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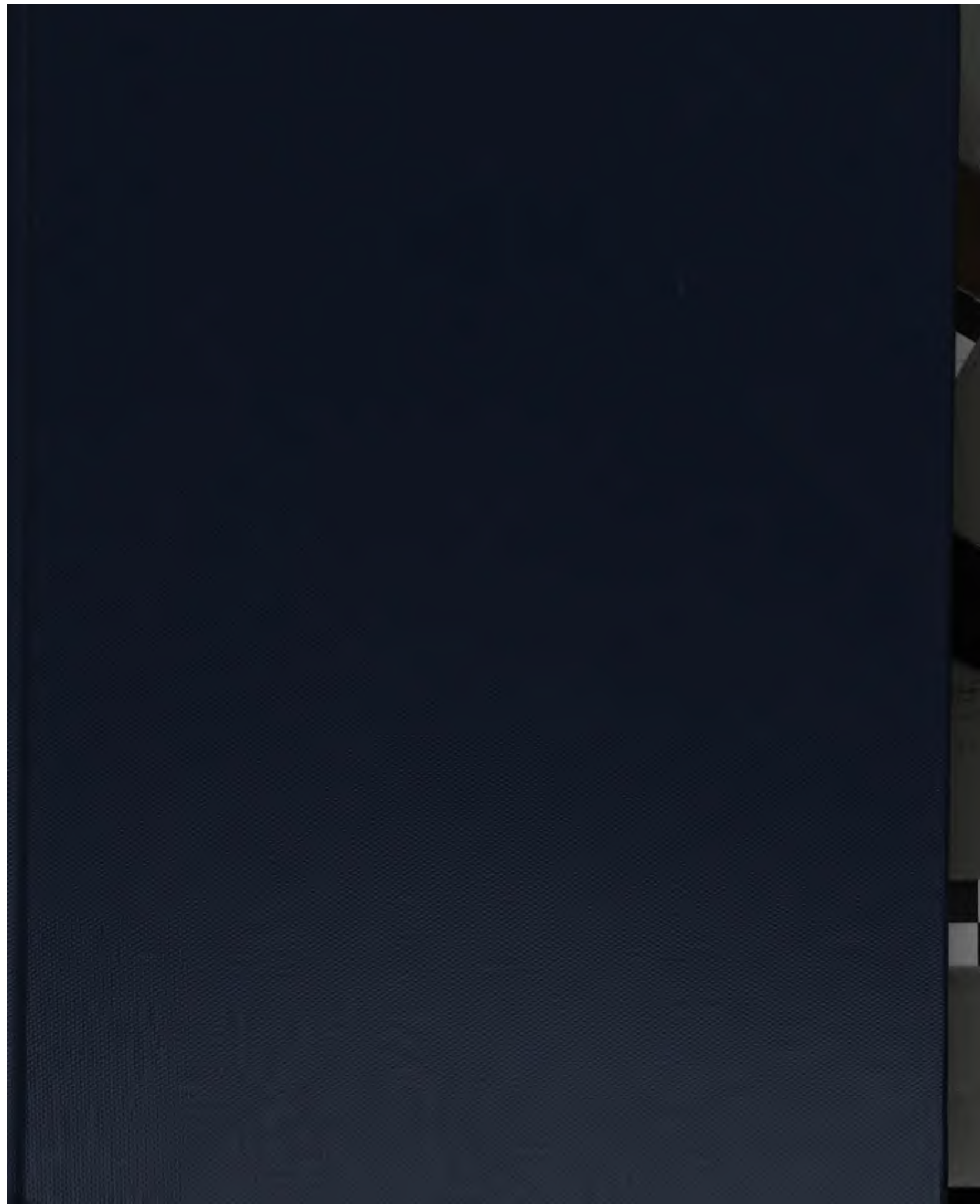
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THE-UNIVERSITY OF LIVERPOOL
FACULTY OF ARTS
PUBLICATIONS OF THE SCHOOL OF LOCAL HISTORY .

I

HISTORY OF MUNICIPAL GOVERNMENT
IN LIVERPOOL TO 1835

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A HISTORY OF MUNICIPAL GOVERNMENT IN LIVERPOOL

FROM THE EARLIEST TIMES TO THE
MUNICIPAL REFORM ACT OF 1835

IN TWO PARTS

PART I

A NARRATIVE INTRODUCTION

By RAMSAY MUIR

M.A., ANDREW GEDDES AND JOHN RANKIN PROFESSOR OF MODERN HISTORY AND DEAN OF THE FACULTY
OF ARTS IN THE UNIVERSITY OF LIVERPOOL

PART II

A COLLECTION OF CHARTERS, LEASES, AND OTHER DOCUMENTS, TRANSCRIBED, TRANSLATED AND EDITED WITH ILLUSTRATIVE MATERIAL

By EDITH M. PLATT

M.A., SOMETIME CHARLES BEARD RESEARCH SCHOLAR IN HISTORY IN THE
UNIVERSITY OF LIVERPOOL

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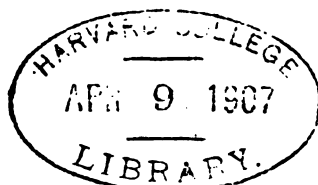
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CONTENTS

	PAGE
DEDICATION	v
CONTENTS	vii
CORRIGENDA	x
PREFACE	xi
INTRODUCTION :	
1. Liverpool before the Creation of the Borough	1
2. The Legendary Charters of Henry I and Henry II	8
3. John's 'Charter'	11
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5. The Baronial Period	37
6. The Fifteenth Century... ..	55
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8. The Charter of Charles I and the Sale of the Lordship	87
9. The Party Strife of the Seventeenth Century	97
10. The Eighteenth Century	118
11. The Government of Liverpool on the eve of the abolition of the old system	133
CHAPTER I.—CHARTERS AND LETTERS PATENT :	
I. Letters Patent of John, 1207	153
II. Charter of Henry III, 1229	154
III. Charter of Robert de Ferrers, 1266	156
IV. Charter of Edward III, 1333	157
V. Charter of Richard II, 1382	159
VI. Charter of Henry V, 1413	161
VII. Charter of Philip and Mary, 1556	163
VIII. Charter of Charles I, 1626	165
IX. Charter of Charles II, 1677	189
X. Charter of James II, 1685	204
XI. Charter of William and Mary, 1691	232
XII. First Charter of William III, 1695	234
XIII. Second Charter of William III, 1698	255
XIV. Charter of Anne, 1709	259
XV. Charter of George II, 1752	265
XVI. Charter of George III, 1808... ..	274
XVII. Charter of George IV, 1828... ..	282
XVIII. Charter of William IV, 1836	286
XIX. First Charter of Victoria, 1880	290
XX. Second Charter of Victoria, 1893	292

CHAPTER II.—FREE FARM LEASES AND OTHER DOCUMENTS :

	PAGE
1. Rent of Assize, 1226	295
2. Henry III's Fee Farm Lease to the men of Liverpool, 1229	296
3. Excerpt from Ministers' Accounts, 1256	296
4. Inquisitio post mortem of Edmund Earl of Lancaster, 1298	297
5. Excerpts from Pipe Rolls and Ministers' Accounts, 1323-7	297
6. Inquisitio post mortem of Thomas Earl of Lancaster, 1327	298
7. Extent of the Lands of Henry Duke of Lancaster, 1346	299
8. Extent of the Lands of Henry II Duke of Lancaster, 1348	301
9. Henry Duke of Lancaster's Fee Farm Lease to William Son of Adam, 1357	302
10. John of Gaunt's Grant to Rankyn d'Ypres, 1372	304
11. John of Gaunt's Fee Farm Lease to William Son of Adam, 1374	305
12. John of Gaunt's Fee Farm Lease to Thomas de More, 1393	306
13. Henry IV's Conformation of the 1393 Lease, 1399	308
14. Memorandum Inscribed on Henry IV's Lease... ..	309
15. Excerpts from Ministers' Accounts, 1399-1420	309
16. Henry IV's Grant to Nicol de Atherton, 1411	310
17. Henry V's Fee Farm Lease to the men of Liverpool, 1421	311
18. Excerpts from Ministers' Accounts, 1422-1442	312
19. Henry VI's Fee Farm Lease to Thomas de Lathom, 1444	313
20. Excerpts from Ministers' Accounts, 1445-1461	314
21. Excerpts from Ministers' Accounts, 1461-1465	318
22. Edward IV's Lease of a Windmill to William Leyland and Robert More, 1463	318
23. Edward IV's Grant of the Ferry to John Best, 1463	319
24. Edward IV's Fee Farm Lease to Robert Orrell, 1466	320
25. Excerpts from Ministers' Accounts, 1466-1471	321
26. Edward IV's Fee Farm Lease to Edmund Crosse, 1472	321
27. Excerpts from Ministers' Accounts, 1472-1488	322
28. Edward IV's Fee Farm Lease to Henry Crosse, 1475	324
29. Edward IV's Fee Farm Lease to Henry Crosse, 1476	325
30. Richard III's Grant of the Ferry to Richard Cook, 1484	326
31. Henry VII's Lease of the Ferry to Richard Cook, 1486	327
32. Excerpts from Ministers' Accounts, 1488-1537	327
33. Henry VII's Fee Farm Lease to David Griffiths, 1488	328
34. Henry VII's Fee Farm Lease to David Griffiths, 1502	328
35. Henry VII's Fee Farm Lease to David, Alice and Robert Griffiths, 1505	329
36. Henry VIII's Fee Farm Lease to Alice Griffiths and Henry Akers, 1524	330

37.	Henry VIII's Fee Farm Lease to Henry Akers, 1528...	331
38.	Henry Akers' Lease to John Thomasson of Two Windmills, 1529 ...	333
39.	Henry Akers' Lease to Henry Poghdén of Two Windmills, 1529 ...	334
40.	Henry Akers' Fee Farm Lease to the Corporation, 1530 ...	335
41.	Excerpts from Ministers' Accounts, 1537-1628 ...	336
42.	Henry VIII's Fee Farm Lease to Thomas Holcroft, 1537 ...	336
43.	Sir William Molyneux's Fee Farm Lease to the Corporation, 1539 ...	338
44.	Henry VIII's Fee Farm Lease to Sir William Molyneux, 1545 ...	340
45.	Sir William Molyneux's Fee Farm Lease to Edmund Gee, 1546 ...	343
46.	Edward VI's Fee Farm Lease to James Bedyll, 1549 ...	345
47.	Philip and Mary's Fee Farm Lease to Sir Richard Molyneux, 1555 ...	349
48.	Sir Richard Molyneux's Fee Farm Lease to the Corporation, 1557 ...	352
49.	Elizabeth's Fee Farm Lease to Sir Richard Molyneux, 1586 ...	354
50.	James I's Fee Farm Lease to Sir Richard Molyneux, 1604 ...	358
51.	Sale by Charles I to the Corporation of London (Ditchfield, etc.), of the Town of Liverpool, 1628 ...	362
52.	Sale by Edward Ditchfield to Lord Molyneux of the Lordship, 1635...	381
53.	Lord Molyneux's Fee Farm Lease to the Corporation, Articles of Agree- ment, 1671...	381
54.	Do., Articles of Agreement, 1672 ...	384
55.	Lord Molyneux's Fee Farm Lease to the Corporation, 1672 ..	385
56.	Lord Molyneux's Fee Farm Lease to the Corporation, 1700 ...	391
57.	Sale by Lord Sefton to the Corporation of the Fee Farm Lease, 1777	395
CHAPTER III.—MISCELLANEOUS DOCUMENTS :		
1.	Plea de Quo Warranto, 1292 ...	397
2.	Petition to Parliament, 1414 ...	399
3.	Precept to Distrain the Mayor and Bailiffs, 1420 ...	400
4.	Writ de Quo Warranto, 1498 ...	401
5.	Commission to Sir William Molyneux concerning Tolls, 1514 ...	402
6.	Inquiry concerning Wrecks, 1528 ...	403
7.	Royal Commission to the Mayor of Liverpool concerning the Ferry Boat, 1529...	403
8.	Petition of Henry Akers concerning the Ferry Boat, 1530 ...	404
9.	Bill and Judgment of Sir Richard Molyneux v. Corporation of Liverpool, 1555 ...	405
10.	Imprisonment of Hugh Dawbye, 1556 ...	413
INDEX ...		i
LIST OF SUBSCRIBERS ...		xiii

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- p. 63, line 1 : *For* lessors *read* lessees; *and in* note 1 *for* lessor *read* lessee.
- p. 70, line 2 from bottom : *For* 1546 *read* 1545.
- p. 71, line 4 : *For* 1603 *read* 1604.
- p. 95, line 11 : *For* January, 1635, *read* January, 1635-6.
- p. 109, line 22 : *For* 1690 *read* 1691.
- p. 138, line 9 : *For* being *read* been.
- p. 150, line 9 : *For* epoching-making *read* epoch-making.
- p. 153, Introd. to Letters Patent of John, line 2 : *For* at the same time and place as *read* five days after.
- p. 153, Copies and Translations, line 2 : *For* Cal. Rot. Pat. 36 *read* Pat. Rolls of John 756. In the copy preserved in the Patent Rolls the date is wrongly given as August 27.
- p. 154, line 4 : *For* Liverpul *read* Liuerpul.
- p. 155, last line : *For* xxiii° *read* xxiiiij°.
- p. 169, last line : *For* agenda servitur *read* agendis servitutum.
- p. 183, lines 11, 12, and p. 225, lines 13, 14 : *For* 'to be made use of for all causes and transactions of them and their successors, whatever is to be done' *read* 'to serve for the transaction of all kinds of causes and business of themselves and their successors.'
- pp. 183 and 225 : *Dele* footnote.
- p. 205, line 5 : *For* Hull *read* Hult.
- p. 210, line 11 : *For* agendum servitur *read* agendis servitutum.
- p. 236, line 3 : *For* Thomas Sandiford *read* John Sandiford.
- p. 249, lines 27 and 38 : *For* James Williamson *read* William Williamson.
- p. 275 (Headline) : *For* Charer *read* Charter.
- p. 286, line 8 from bottom : p. 276.
- p. 300, line 23 : *For* contained *read* containing.
" " 25 : *For* 12^a 4^d. *read* 13^a. 4^d.
" " 30 : *For* and the rest *read* and for the future.
- p. 303, line 31 : *For* Thomas of Liverpool *read* Matthew of L.
- p. 334, line 3 from bottom : *For* Akers Mill *read* Acres Mill.
- p. 389, line 5 : *For* S *read* S'.
" " 16 : *For* Ferrom *read* Jerrom.

PREFACE

THIS volume, the first of a series by which it is hoped that the history of Liverpool and the surrounding districts will be materially elucidated, has been long in the press ; and some apology is due to subscribers for the delay. The purpose of the work is perhaps clear from its title page. It aims in the first place at providing historical students with a fairly complete and carefully edited set of the main documents bearing upon the early development of municipal institutions in this city. Though the primary object has been to carry this subject only down to the period of the Municipal Reform Act, it has been thought advisable to make the collection of Royal Charters complete by including the three brief charters which have been granted since that date. To these documents is prefixed a long narrative introduction, in which an attempt is made—for the first time—to give a logical and coherent account of the history of the development of municipal government in Liverpool. It has been the aim of the author to write this narrative in such a way that it may be intelligible and interesting to ordinary readers who are not historical specialists, and are apt to be baffled by the technical terms which abound especially in the realm of municipal history.

The writer of the introduction desires to express his gratitude to Mr. A. L. Smith, to Professor Tait and to his colleagues, Professor Mackay and Mr. W. Fergusson Irvine, all of whom have been good enough to read and criticise parts of his work. He has also had the benefit, for a part of his work, of the minute and learned criticism of Mr. Robert Gladstone, Junr. ; the book would have gained greatly had it been possible for Mr. Gladstone's criticism to be extended to the whole of it. But his chief debt is to Mr. William Farrer, who has not only given him the inestimable benefit of a criticism that is based

upon an unequalled knowledge of Lancashire antiquities, but who has also, with characteristic generosity, placed at his disposal his great collection of transcripts and documents. Other debts are acknowledged in footnotes. But it would be wrong to neglect this opportunity of saying that in so far as there is any freshness or value in the treatment of a difficult theme here attempted, it is due to the great work which has been done in recent years in the field of municipal history by a band of scholars, of whom Mr. Maitland is the recognised leader. His work, with that of Miss Bateson, Mr. Gross, Professor Tait and others, has wholly transformed the treatment of municipal history and made it possible to derive from the superficially barren and crabbed documents something like a living picture of the growth of self-government in towns.

The map which is prefixed to the volume is the work of Mr. W. Fergusson Irvine, F.S.A. ; and is of special interest as being the first attempt to reconstruct a detailed map of mediaeval Liverpool. One feature of this map deserves special mention. The strips into which the fields are divided have been, as nearly as possible, measured out at a Cheshire acre apiece ; and the fact that when marked in they were found almost exactly to correspond to the number of burgages (168), forms a striking confirmation of the view taken in the Introduction that each burgage had attached to it one Cheshire acre in the fields.

The editor of the documents desires to acknowledge aid received in her laborious task from several quarters. Mr. J. Paul Rylands has kindly supplied almost entirely the heraldic descriptions of seals which will be found an interesting feature of the prefatory matter prefixed to each of the Charters in Chapter I. Professor Bonnier has been so good as to read the proofs of the Norman-French documents. Mr. R. D. Radcliffe has given ready advice and help at several points. For free admission to the Muniment Room of the Corporation, and for permission to transcribe and publish documents preserved there, thanks are due to the Town-Clerk and to the Finance Committee of the Council, which has also generously and without solicitation voted the sum of

£25 towards the cost of printing this volume. The editor also desires to thank Mr. Touzeau, who has charge of these Corporation records, for most courteous and constant aid and assistance. For permission to use the materials in the Croxteth Muniment Room cordial acknowledgment is due to the Earl of Sefton and Mr. Lloyd, and thanks for courteous help to the staff of the Croxteth Estate Office.

Almost all the Royal Charters to be found in Chapter I have already been printed in one form or another, but much of the introductory matter as well as the detailed descriptions of each Charter are new. Nearly the whole of Chapters II and III is new matter hitherto unpublished. BAINES in his *Liverpool* used the translations of many of the fee farm leases, which he found in the Municipal Muniment Room among Okill's Manuscripts. But unfortunately Okill's transcripts and translations are not distinguished by their accuracy, and Baines, although he promised to print the originals of the fee farm leases in an appendix, probably found the task too lengthy and arduous; at any rate, whatever the reason, no such appendix was printed. The transcription and publication of the Ministers' Accounts have made it for the first time possible to write a full account of this important side of Liverpool history. The editor has used the greatest effort to make the collections of Charters and Fee Farm Leases complete and in every case to go to the original document; but it is quite possible that she may have missed one or two of the Leases, in spite of careful search at the Record Office and at Croxteth Hall. One word should be said about the method adopted of printing the documents. The abbreviations of the Latin and Norman-French documents have been extended, modern punctuation has been substituted for the original, and only the spelling and the capitals of the original have been preserved; in the English documents, on the other hand, the original spelling, contractions and punctuation are all kept, the contractions being indicated by an apostrophe, not by the numerous and varying signs of the original.

In conclusion an apology is necessary. As one or two additional documents were added to Chapter II after the sheets of the

Introduction had been printed off, the references to this chapter in the footnotes to sections 7, 8, and 9 of the Introduction have been rendered inaccurate. In each case, the document referred to will be found one or two numbers later than that given in the reference. As this should not involve any material difficulty in finding the documents it was thought wiser not to insert an elaborate list of corrigenda ; and the reader is requested to accept this general notification and apology.

RAMSAY MUIR
EDITH M. PLATT

LIVERPOOL, *June*, 1906

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CONTENTS

	PAGE
DEDICATION	v
CONTENTS	vii
CORRIGENDA	x
PREFACE	xi
INTRODUCTION :	
1. Liverpool before the Creation of the Borough	1
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CHAPTER I.—CHARTERS AND LETTERS PATENT :	
I. Letters Patent of John, 1207	153
II. Charter of Henry III, 1229	154
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CHAPTER II.—FREE FARM LEASES AND OTHER DOCUMENTS :

	PAGE
1. Rent of Assize, 1226	295
2. Henry III's Fee Farm Lease to the men of Liverpool, 1229	296
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14. Memorandum Inscribed on Henry IV's Lease... ..	309
15. Excerpts from Ministers' Accounts, 1399-1420	309
16. Henry IV's Grant to Nicol de Atherton, 1411	310
17. Henry V's Fee Farm Lease to the men of Liverpool, 1421	311
18. Excerpts from Ministers' Accounts, 1422-1442	312
19. Henry VI's Fee Farm Lease to Thomas de Lathom, 1444	313
20. Excerpts from Ministers' Accounts, 1445-1461	314
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25. Excerpts from Ministers' Accounts, 1466-1471	321
26. Edward IV's Fee Farm Lease to Edmund Crosse, 1472	321
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33. Henry VII's Fee Farm Lease to David Griffiths, 1488	328
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38.	Henry Akers' Lease to John Thomasson of Two Windmills, 1529	333
39.	Henry Akers' Lease to Henry Poghden of Two Windmills, 1529	334
40.	Henry Akers' Fee Farm Lease to the Corporation, 1530	335
41.	Excerpts from Ministers' Accounts, 1537-1628	336
42.	Henry VIII's Fee Farm Lease to Thomas Holcroft, 1537	336
43.	Sir William Molyneux's Fee Farm Lease to the Corporation, 1539	338
44.	Henry VIII's Fee Farm Lease to Sir William Molyneux, 1545	340
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46.	Edward VI's Fee Farm Lease to James Bedyll, 1549	345
47.	Philip and Mary's Fee Farm Lease to Sir Richard Molyneux, 1555	349
48.	Sir Richard Molyneux's Fee Farm Lease to the Corporation, 1557	352
49.	Elizabeth's Fee Farm Lease to Sir Richard Molyneux, 1586	354
50.	James I's Fee Farm Lease to Sir Richard Molyneux, 1604	358
51.	Sale by Charles I to the Corporation of London (Ditchfield, etc.), of the Town of Liverpool, 1628	362
52.	Sale by Edward Ditchfield to Lord Molyneux of the Lordship, 1635...	381
53.	Lord Molyneux's Fee Farm Lease to the Corporation, Articles of Agree- ment, 1671...	381
54.	Do., Articles of Agreement, 1672	384
55.	Lord Molyneux's Fee Farm Lease to the Corporation, 1672	385
56.	Lord Molyneux's Fee Farm Lease to the Corporation, 1700	391
57.	Sale by Lord Sefton to the Corporation of the Fee Farm Lease, 1777	395
CHAPTER III.—MISCELLANEOUS DOCUMENTS :				
1.	Plea de Quo Warranto, 1292	397
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8.	Petition of Henry Akers concerning the Ferry Boat, 1530	404
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INDEX	i
LIST OF SUBSCRIBERS	xiii

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- p. 70, line 2 from bottom : *For* 1546 *read* 1545.
- p. 71, line 4 : *For* 1603 *read* 1604.
- p. 95, line 11 : *For* January, 1635, *read* January, 1635-6.
- p. 109, line 22 : *For* 1690 *read* 1691.
- p. 138, line 9 : *For* being *read* been.
- p. 150, line 9 : *For* epoching-making *read* epoch-making.
- p. 153, Introd. to Letters Patent of John, line 2 : *For* at the same time and place as *read* five days after.
- p. 153, Copies and Translations, line 2 : *For* Cal. Rot. Pat. 36 *read* Pat. Rolls of John 756. In the copy preserved in the Patent Rolls the date is wrongly given as August 27.
- p. 154, line 4 : *For* Liverpul *read* Liuerpul.
- p. 155, last line : *For* xxiii° *read* xxiiij°.
- p. 169, last line : *For* agenda servitur *read* agendis servitutum.
- p. 183, lines 11, 12, and p. 225, lines 13, 14: *For* 'to be made use of for all causes and transactions of them and their successors, whatever is to be done' *read* 'to serve for the transaction of all kinds of causes and business of themselves and their successors.'
- pp. 183 and 225 : *Dele* footnote.
- p. 205, line 5 : *For* Hull *read* Hult.
- p. 210, line 11 : *For* agendum servitur *read* agendis servitutum.
- p. 236, line 3 : *For* Thomas Sandiford *read* John Sandiford.
- p. 249, lines 27 and 38 : *For* James Williamson *read* William Williamson.
- p. 275 (Headline) : *For* Charer *read* Charter.
- p. 286, line 8 from bottom : p. 276.
- p. 300, line 23 : *For* contained *read* containing.
- " " 25 : *For* 12th 4d. *read* 13th 4d.
- " " 30 : *For* and the rest *read* and for the future.
- p. 303, line 31 : *For* Thomas of Liverpool *read* Matthew of L.
- p. 334, line 3 from bottom : *For* Akers Mill *read* Acres Mill.
- p. 389, line 5 : *For* S *read* S'.
- " " 16 : *For* Ferrom *read* Jerrom.

PREFACE

THIS volume, the first of a series by which it is hoped that the history of Liverpool and the surrounding districts will be materially elucidated, has been long in the press ; and some apology is due to subscribers for the delay. The purpose of the work is perhaps clear from its title page. It aims in the first place at providing historical students with a fairly complete and carefully edited set of the main documents bearing upon the early development of municipal institutions in this city. Though the primary object has been to carry this subject only down to the period of the Municipal Reform Act, it has been thought advisable to make the collection of Royal Charters complete by including the three brief charters which have been granted since that date. To these documents is prefixed a long narrative introduction, in which an attempt is made—for the first time—to give a logical and coherent account of the history of the development of municipal government in Liverpool. It has been the aim of the author to write this narrative in such a way that it may be intelligible and interesting to ordinary readers who are not historical specialists, and are apt to be baffled by the technical terms which abound especially in the realm of municipal history.

The writer of the introduction desires to express his gratitude to Mr. A. L. Smith, to Professor Tait and to his colleagues, Professor Mackay and Mr. W. Fergusson Irvine, all of whom have been good enough to read and criticise parts of his work. He has also had the benefit, for a part of his work, of the minute and learned criticism of Mr. Robert Gladstone, Junr. ; the book would have gained greatly had it been possible for Mr. Gladstone's criticism to be extended to the whole of it. But his chief debt is to Mr. William Farrer, who has not only given him the inestimable benefit of a criticism that is based

upon an unequalled knowledge of Lancashire antiquities, but who has also, with characteristic generosity, placed at his disposal his great collection of transcripts and documents. Other debts are acknowledged in footnotes. But it would be wrong to neglect this opportunity of saying that in so far as there is any freshness or value in the treatment of a difficult theme here attempted, it is due to the great work which has been done in recent years in the field of municipal history by a band of scholars, of whom Mr. Maitland is the recognised leader. His work, with that of Miss Bateson, Mr. Gross, Professor Tait and others, has wholly transformed the treatment of municipal history and made it possible to derive from the superficially barren and crabbed documents something like a living picture of the growth of self-government in towns.

The map which is prefixed to the volume is the work of Mr. W. Fergusson Irvine, F.S.A. ; and is of special interest as being the first attempt to reconstruct a detailed map of mediaeval Liverpool. One feature of this map deserves special mention. The strips into which the fields are divided have been, as nearly as possible, measured out at a Cheshire acre apiece ; and the fact that when marked in they were found almost exactly to correspond to the number of burgages (168), forms a striking confirmation of the view taken in the Introduction that each burgage had attached to it one Cheshire acre in the fields.

The editor of the documents desires to acknowledge aid received in her laborious task from several quarters. Mr. J. Paul Rylands has kindly supplied almost entirely the heraldic descriptions of seals which will be found an interesting feature of the prefatory matter prefixed to each of the Charters in Chapter I. Professor Bonnier has been so good as to read the proofs of the Norman-French documents. Mr. R. D. Radcliffe has given ready advice and help at several points. For free admission to the Muniment Room of the Corporation, and for permission to transcribe and publish documents preserved there, thanks are due to the Town-Clerk and to the Finance Committee of the Council, which has also generously and without solicitation voted the sum of

£25 towards the cost of printing this volume. The editor also desires to thank Mr. Touzeau, who has charge of these Corporation records, for most courteous and constant aid and assistance. For permission to use the materials in the Croxteth Muniment Room cordial acknowledgment is due to the Earl of Sefton and Mr. Lloyd, and thanks for courteous help to the staff of the Croxteth Estate Office.

Almost all the Royal Charters to be found in Chapter I have already been printed in one form or another, but much of the introductory matter as well as the detailed descriptions of each Charter are new. Nearly the whole of Chapters II and III is new matter hitherto unpublished. BAINES in his *Liverpool* used the translations of many of the fee farm leases, which he found in the Municipal Muniment Room among Okill's Manuscripts. But unfortunately Okill's transcripts and translations are not distinguished by their accuracy, and Baines, although he promised to print the originals of the fee farm leases in an appendix, probably found the task too lengthy and arduous; at any rate, whatever the reason, no such appendix was printed. The transcription and publication of the Ministers' Accounts have made it for the first time possible to write a full account of this important side of Liverpool history. The editor has used the greatest effort to make the collections of Charters and Fee Farm Leases complete and in every case to go to the original document; but it is quite possible that she may have missed one or two of the Leases, in spite of careful search at the Record Office and at Croxteth Hall. One word should be said about the method adopted of printing the documents. The abbreviations of the Latin and Norman-French documents have been extended, modern punctuation has been substituted for the original, and only the spelling and the capitals of the original have been preserved; in the English documents, on the other hand, the original spelling, contractions and punctuation are all kept, the contractions being indicated by an apostrophe, not by the numerous and varying signs of the original.

In conclusion an apology is necessary. As one or two additional documents were added to Chapter II after the sheets of the

Introduction had been printed off, the references to this chapter in the footnotes to sections 7, 8, and 9 of the Introduction have been rendered inaccurate. In each case, the document referred to will be found one or two numbers later than that given in the reference. As this should not involve any material difficulty in finding the documents it was thought wiser not to insert an elaborate list of corrigenda ; and the reader is requested to accept this general notification and apology.

RAMSAY MUIR
EDITH M. PLATT

LIVERPOOL, *June*, 1906

PART I

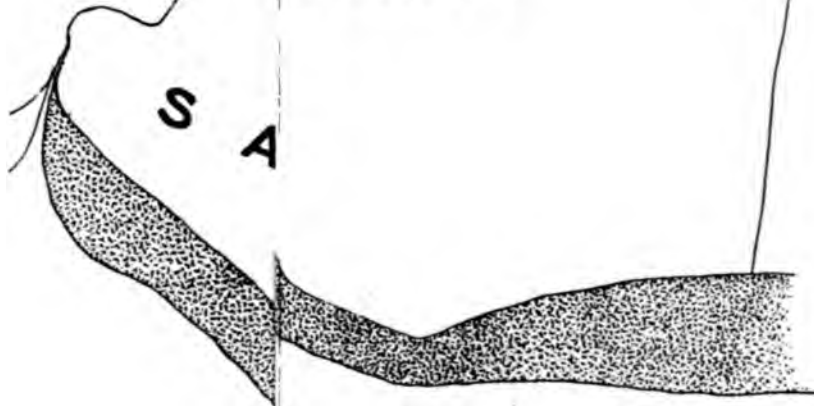
A NARRATIVE INTRODUCTION

By RAMSAY MUIR, M.A.

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INTRODUCTION

(1) Liverpool before the Creation of the Borough

OUR earliest knowledge of Liverpool is derived from Domesday Book ; before the eleventh century its history is a blank.

Even in Domesday it is not mentioned by name : for the first appearance of the name of Liverpool in any document we have to wait till a century later. But there is no real doubt that it was included among the 'six berewicks' which the Domesday inquisitors mention¹ as being attached to the great Manor of West Derby.

As a 'berewick,' then, whatever that word may mean, the known history of Liverpool begins : on the base, or out of the shell, of a 'berewick' the little town arose. And since, in the history of institutions, there is seldom any real breach of continuity, we must know what this 'berewick' was like, how it was governed, and what were its relations with the 'manor' to which it was 'attached' before we shall understand what the town was like, or how it was governed, when it came to be created.

A 'manor' in mediaeval usage was an estate which, for certain important purposes, was treated as an administrative unit ; it generally had a central hall or manor-house, which was the headquarters for this administrative work. It might consist—and usually did consist—of a single township ; but it might be only part of a township, or include several townships, or detached portions of several townships belonging to the same lord. At the manor-house were paid the rents and dues of the tenants, whether freeholders or serfs ; and all the tenants also paid their geld or land-tax at the manor house to the lord's steward, who had to account for them to the sheriff. In this respect the manor is the lowest fiscal unit of the kingdom, and it is so treated in the great taxing-register, Domesday Book. In addition, every manor had law-courts of its own, at the least for the settlement of questions concerning the rights and duties of the tenants as tenants ; sometimes the lord of the manor had far higher jurisdictional rights by

1. On the Domesday Survey for Lancashire south of the Ribble, see Mr. Farrer's paper in *Trans. Lanc. and Chesh. Antiq. Soc.*, vol. xvi, 1-38, and his later treatment of the West Derby hundred in *Lancashire Inquests* (Record Soc., vol. xlviii). The main facts have also been conveniently summarised by J. H. LUMBY, *Trans. Hist. Soc. of L. and C.*, n.s. xvi, 53.

special grant from the king. It thus forms the lowest judicial unit of the kingdom. But from whatever point of view we regard the manor, the important thing about it is its relation to its lord. It is the control of a single lord which gives it unity.

The manor of West Derby was one of the largest and most important in Lancashire. Under Edward the Confessor it was one of six great manors from which the whole of Lancashire south of the Ribble was administered as a vast royal domain. After the Conquest the country between the Mersey and the Ribble continued to form a single vast lordship; and each of the successive holders of these lands, thought they might grant out, or sublet, most of them, always kept the manor of West Derby in their own hands. They might even create holdings within the manor for their vassals; but the manor itself, the manor as an administrative unit, was always retained by the chief lord. This means that he was careful to keep possession of the manor-house, and to hold the manor-courts, and to exercise the various and profitable manorial rights—such as that of forcing all the tenants to grind their corn in his mills. The importance of West Derby is shown by the fact that it was, if not at the period of the Domesday Survey, then soon afterwards, the site of a castle,¹ which was the only one in the district, and formed the real centre, of administration for a wide province. And the manor-court of West Derby must have been the largest and, therefore, the most profitable in the hundred. To this court all the tenants of the manor, whether freemen or serfs,² were subject. The lord's steward would preside over the court, and all the tenants would be present at its meetings and act as judges or 'doomsmen,' declaring what was the custom of the manor under which any case should be tried. All offences against the by-laws of the manor, all disputes as to rights of ownership, or the services or dues owed by any tenant, would be decided here according to the custom declared by the whole body of tenants. Here, too, new tenants would be formally admitted. And in practice, though primarily a law-court, the manor-court would also serve as the administrative and, in some sense, as the legislative organ of the community of the manor.

1. The existence of a castle at West Derby is abundantly demonstrated by entries in the accounts of the royal bailiffs, down to the middle of the reign of Henry III, when these references disappear, probably because the West Derby castle had been replaced by that of Liverpool. The name 'Castle Field' survived in West Derby in the nineteenth century. Modern writers have been apt to confuse the two castles. See below, p. 11, n.

2. I may here say, at the outset, that throughout this essay I use the word 'serf' not in its narrow sense as a translation of *servus*, but as the only convenient English word generally covering the whole class of unfree tenants.

So much for the manor and its 'berewicks,' treated as a single whole. But what *are* these 'berewicks' of which we have spoken so often; and what is their relation to the central manor and to the courts held at West Derby?

It is quite clear that in some way the 'berewick' was a distinct unit. But it is also clear that in some way it was dependent on the manor. The word 'berewick' itself is very obscure.¹ It means 'barley-village,' but this gives little light. We do not in Domesday hear of many berewicks, and they soon disappear from the records, generally reappearing as full-blown manors. Possibly they may have begun as clearings from the waste lands surrounding the manor, devoted at first to the cultivation of barley for beer and fodder, colonized by a few of the peasants from the central village, and worked in connexion with it, perhaps under the direction of the bailiffs of the manor. The lord may have kept a barn or other farm-buildings on the berewick, and the peasants who lived on it may have performed the services they owed on the lord's land there, without being called upon often to go to headquarters. But on this we have no certain knowledge. One thing, however, is clear: the berewick must have been a distinct agricultural unit. The lands of an early mediaeval village, lying in wide open fields where the holdings of lord and tenant were intermingled, were to a large extent cultivated in common, the villagers forming a sort of gang, with one of themselves, the reeve, as foreman. Now the arable of the Liverpool berewick was separated from the arable of the central manor by a broad expanse of waste land, and we may safely suppose that the peasants of the berewick formed a distinct gang with a reeve of their own. And two other things seem likely. One is, that the crown dues, especially the *danegeld*, owed by the berewick were paid at the manor-house, and not direct to the king's agent, the sheriff. That was what interested the compilers of Domesday. They were sent out to find who was responsible for the money; against whom it should be entered in the Exchequer-books; and the reason why they have so little to tell us about the berewicks is, no doubt, that nobody in the berewicks was responsible for paying money to the sheriff, but only the lord's steward at the central manor. It is also likely that so long as the berewicks remained berewicks no courts were held in them, but their tenants did suit at the manor-court² in West Derby.

1. For the meaning of 'berewick' see MAITLAND, *Domesday Book and Beyond*, p. 114.

2. Much later the West Derby courts continued to exercise jurisdiction over other townships which had been, like Liverpool, berewicks in the Domesday period. Thus in 1323-4 cases from Everton, Garston, Wavertree and Thingwall were dealt with in the West Derby court. *Lancashire Court Rolls* (Record Soc., vol. xli).

But whether or no the peasants of the berewick were subject to the West Derby manor-court, there was another court at West Derby within whose jurisdiction they certainly lay. West Derby was not only a very great manor, it also gave its name to, and was in a sense the capital of, one of the six *hundreds* into which Lancashire was divided. The hundred of West Derby extended from North Meols to Speke and included some thirty-six manors besides West Derby itself; and a Hundred-court or Wapentake, having jurisdiction over the whole of this wide district, met in the central manor. Elsewhere royal officers presided over these courts; but Roger of Poitou, who had been lord of these lands shortly before Domesday was compiled, and regained them not long afterwards, was sufficiently independent to have a 'sheriff' of his own, a knight Goisfred, who must have been responsible for the conduct of the meetings of the court. All the civil offences of all the tenants of the thirty-six manors and also of the berewicks would be tried here, and of the fines and dues they paid a large share would go into Roger's pocket. But not all the tenants were required to attend the court, as at the manor-courts. The steward of the lord of each manor would attend; perhaps also the freeholders, or some of them; and these would be the judges or doomsmen, being fined if they were absent. Twice a year would be held a specially full court, called 'the sheriff's turn,' for the purpose of seeing that all tenants were grouped in tithings or bodies of ten men responsible for producing any of their number who might be charged with any criminal offence; and at these solemn courts each township, and probably each berewick, would be represented by its reeve and four of its peasants.

So much, in general terms, we are probably justified in guessing, on the analogy of other manors and other hundreds, as to the organization of the obscure and humble little community, the Liverpool of the eleventh century, and its relation to its more important neighbour; though neither Domesday Book nor any later document before its transformation into a borough has any definite information to give us. But there are some other facts, not without their importance, which may be supplied either from what we know of the place in a later period, or from the universal characteristics of such settlements at this date.

The character of the township of Liverpool was mainly determined by its most distinctive natural feature, the Pool; which remained the dominant feature of the geography of Liverpool till it was filled up in the eighteenth century. It was a narrow and shallow

tidal creek which branched off from the estuary where the Custom-house now stands, and, running inland in a north-easterly direction, enclosed a little triangular peninsula which rose gradually from the north till it reached its greatest height, about fifty feet, near its apex, at the top of the modern Lord Street. This tiny peninsula formed the heart of the berewick of Liverpool. Along the ridge, somewhere near the modern Town Hall, must have stood the huts of the peasants. If the lords of Liverpool in its purely rural period had a house in the township, it probably stood at the summit and southern end of the ridge, where the castle was afterwards built.

Round the hamlet, and to the east of it, beyond the upper reaches of the Pool, stretched the arable land of the township; and on the north and south sides of the tilled fields lay wide stretches of waste, used for pasturage. The arable land lay in wide open fields, two or three in number,¹ divided into narrow strips. The chief villagers held bundles of these strips, scattered all over the fields, no two of them together belonging to the same man. For these holdings they paid partly by labour on the lord's land, partly by a variety of dues and services. Some of the serfs may have been *villeins* with considerable holdings, as much as fifteen or thirty acres, in the open fields: but probably the majority, if not all, were *bordars*, holding no more than a cottage and an acre or two.² They would earn their livelihood partly by labour on the lord's land, partly by looking after the sheep and cattle of the lord and of the village, partly by fisheries in the estuary, which long remained famous for its wealth in fish.

It is possible that a humble trade was carried on in, or passed through, the berewick. With the Pool, which formed a safe beaching ground for boats out of reach of the swift currents of the Mersey, the hamlet was well situated for such purposes, and afforded the best harbour on the Lancashire coast south of the Ribble. Probably ferries crossed the river to and from Liverpool, and one of the families in the hamlet would have charge of the ferry from the Liverpool side, paying a large share of his fares to the lord. This ferry would be used by an occasional travelling chapman returning to Chester or the

1. For much new information about the field-system of early Liverpool see E. K. McCONNELL, *Introduction to the Moore Deeds*, shortly to be published in the present series. There seems to be ground for believing that the Liverpool arable was originally laid out in two fields, to which a third was added later, possibly at the time that John brought in new settlers. This is an inference from the names of what seem to have been the three main fields—Great Old Field, Little Old Field, and Heathy Lands—which clearly suggest that the third named was a late enclosure from the waste. See also the valuable map by Mr. Fergusson Irvine, prefixed to this volume.

2. In burghal Liverpool the normal holding in the fields was a single Cheshire acre; the largest complete holding in the fourteenth century was about eight Cheshire acres.

Wirral after doing business in West Derby and the inland townships ; and the lord of Liverpool would exact toll from him as he passed.¹ People from the inland townships would come to buy fish from the Liverpool fishermen, and the lord would make his profit here also. An occasional smack from Chester or other ports might find its way into the Mersey, but this would be rare. It is, then, a very humble little hamlet of peasants and fishermen, which we dimly see as the base upon which the borough rose ; a handful of serfs, wholly dependent upon the powerful barons who successively held South Lancashire, and the turbulent vassals who held of them.

It is not necessary for our purpose to attempt to trace the complicated story of the frequent transferences of the lands between Mersey and Ribble which took place between the Conquest and the accession of King John.² Liverpool, as a part of this great unit, passed from lord to lord, but there is no evidence that the fortunes of the little township were in any way seriously affected by most of these changes of ownerships.

Two or three points alone are of interest to us in the vexed story. One is that for brief intervals under Henry I and again under Henry II these lands were in possession of the crown. This is of importance in connexion with the legends (which we shall presently examine) that both of these monarchs granted charters to Liverpool. Another point is that Henry II granted these lands to his son John, Earl of Mortain, who, when he ascended the throne, was to be the creator of the borough. John lost these estates in 1194,³ but regained them when he became King ; and his lordship was of the first importance in the history of the place. A third point is that during this period the berewick of Liverpool had seemingly been turned into an independent manor. For we find that Henry II, before making over these lands to his son, granted Liverpool⁴ with other lands to one Warin of Lancaster. John, when he entered upon his lordship, granted to Henry, the son of this Warin, at some date soon after 1189⁵ a confirmation of Henry II's grant to his father, and this is the

1. From the Wirral shore it is probable that, at this time, as later, another ferry plied (see below, 74, n. 4). But even on the passengers brought across on the Cheshire ferry, it is probable that a toll would be exacted by the lord of Liverpool.

2. The story is told in full in the *Victoria Hist. of Lancs.*, i, 295. See also TARR, *Medieval Manchester and the Beginnings of Lancashire*.

3. *Vict. Hist. of Lancs.*, loc. cit.

4. This grant is not extant, but is alluded to in John's grant mentioned below.

5. An English summary of this deed is printed by BAINES (*Hist. of Liverpool*, 72) from Okill's transcript in the town archives, taken from the original at Houghton Tower. It is printed in full in *Lancashire Pipe Rolls*, 432.

earliest surviving document in which the name of Liverpool appears. Now, it is certain that the grant of the place to Warin and his son would cause a marked change in its status and organization. The 'berewick' would become a full manor: released from its complete dependence on West Derby,¹ with a lord of its own and perhaps a manor house of its own; at any rate, with manor-courts of its own, reproducing on a smaller scale the characteristics of those which we have already seen in the parent manor. The Wapentake or hundred-court of West Derby would of course still retain its supremacy over the new manor; civil charges against the peasants of Liverpool would still be tried there, and it would still be represented by its reeve and four men at the solemn Sheriff's turns. But at least it would obtain an independent organization of its own.

This is all we can infer with regard to the condition of Liverpool before a new change of ownership took place which had the most vital consequences. John, as Earl of Mortain, had confirmed his father's grant of the township. As King of England he bought it back again on August 23, 1207, giving to its lord other lands in exchange.² And the reason for this was that he had determined to turn the rural manor into a borough. Five days after the signature of the deed by which he resumed possession of the manor, he signed, on August 28, 1207, another deed, which forms the first charter of Liverpool as a Royal Borough.

1. It should be noted, however, that some sort of connexion between Liverpool and West Derby was supposed to exist long after this date. Thus in 1297 Liverpool (along with the other early berewicks, Wavertree, Thingwall, Everton, Crosby and Garston) is still described as a 'member' of the manor of West Derby. *Ang. p.m.* 25 Ed. I, No. 51 (*Record Soc.*, xlviii, 300).

2. *Charter Rolls*, 171b. Mr. Robert Gladstone, Junr., has pointed out to me that the old assumption that the two deeds were signed on the same day cannot be upheld. In the Charter Rolls the date of the exchange is indeed given as August xxviii, but the v is underlined, probably as a sign that it is wrong. The exchange is given at Worcester where John is known to have been on August 23 (*Itin. of John*, prefixed to Patent Rolls of John); while the Letters Patent to Liverpool are given at Winchester.

(2) The Legendary Charters of Henry I and Henry II

Before we proceed to discuss the charter of John it is necessary to examine the persistent legend that there were earlier charters still, granted by Henry I and Henry II. As we have seen, each of these monarchs held the town in his own possession for some years, and this gives a certain colour to the legend, for it was generally to towns on the royal lands that royal charters were granted.

The case for a charter of Henry II is at the same time the most definite and the most doubtful. In Corry's *History of Liverpool*, which is generally known by the name of its publisher, the Ranelagh Street bookseller, Thomas Troughton, and which was issued in 1810, the full text of the supposed charter is given¹; and it was also reproduced in the first edition of Edward Baines' *History of Lancashire*. No doubt the publication of it in these books is the reason why the belief in this charter still survives. But when we ask for the authority upon which it is based the answer is entirely unsatisfactory. There is no allusion in any of the early town records to a Henry II charter. Baines can only say that he gives it from a copy 'preserved in the handwriting of Dr. Adam Clarke²;' but where Dr. Adam Clarke got it we are not told. The Municipal Commissioners³ unhesitatingly rejected it; and there is little doubt that it was a forgery by one James Williamson.⁴ Though the fraud was very fully exposed, lies die hard, and Williamson has succeeded in imposing on many, including the present Deputy Town-Clerk of the city.⁵

The evidence for a charter or charters of Henry I is rather stronger, though (or perhaps because) no copy, in the 'handwriting of Dr. Adam Clarke' or anybody else survives. The earliest historian of Liverpool, Dr. William Enfield, whose book was published in 1773, simply states⁶ that there was such a charter, and gives the date as 1129. He brings forward no evidence for the date, and none

1. Troughton's *History of Liverpool*, p. 40.

2. E. BAINES, *History of Lancashire*, iv, 57. Baines, however in a note in a later part of his book, rejected the charter iv, 185 n. The charter is also printed in *Gent. Mag.* 1822, pt. i, p. 587, and reprinted in *Gent. Mag. Libr. (Eng. Topography vi, 275-6)*. Clarke was a learned man, and edited the *Feodera* for the Record Commissioners.

3. *Municipal Commission Report* 251.

4. PICTON, *Memorials*, i, 9 n. See also R. BROOKS, *Liverpool*, 19 n, where an account of the exposure of the fraud is given.

5. Introduction to the valuable and interesting *Handbook compiled for the Congress of the Royal Institute of Public Health*, 1903, edited by Dr. Hope. 'Liverpool received its first charter in the year 1173, from Henry II.' It is only fair to say that both PICTON (*Memorials*, i, 8) and T. BAINES (*Liverpool*) reject the story without hesitation, though they do not give their reasons.

6. ENFIELD, *History of Liverpool*, p. 9.

exists. He probably confused it with the charter of Henry III in 1229. But the most formidable evidence for the charter is to be found in the town records. In the year 1581 the town was engaged in a struggle against the pretensions of Chester to a superiority over the port of Liverpool. Mr. Robert More had been sent up to London to represent the Liverpool case, and had taken the borough charters, or some of them, with him. At an assembly after his return 'the charters before taken out of the common coffer and delivered to Mr. Robert More . . . the particulars whereof are these—one grant of Edward the First, and one other grant of King John, and one other grant of King Henry the First, and one other grant of the same King Henry the First—were by the said Mr. Robert More redelivered and put into said coffer.' In this passage there are not only two otherwise unknown 'grants' of Henry I alluded to, but also an otherwise unknown grant of Edward I. If we ask why, since the documents were restored to the coffer, they do not survive as the grant of John survives, a plausible answer is forthcoming. In 1650 there is an entry in the municipal records which states that 'forasmuch as the Town's charters and writings have long been in London, . . . it is this day ordered that if Mr. Jo: Winstanley shall happen to go up (to London) this term, he shall have the moiety of his charges borne . . . to enquire after and send down the Town books and charters.' We are not told whether Mr. Winstanley happened to go up to London, or whether the charters were sent down. It is just possible that he, or a later messenger, may have enquired in vain after some of the charters; and this would account for the non-existence of the Henry I documents.

But there is another possible explanation. The townsmen may themselves have made a mistake, and I suspect that the grant of Edward I (of which there is no other mention) is really the charter of Edward III, which survives; and that the grants of Henry I are really the charter and fee-farm lease of Henry III, which also survive. If it seem curious that such mistakes should be made, it should be remembered that the townsmen were not antiquaries, and that the charters did not give the numbers after the King's names, but read simply 'Henry (or Edward), by the grace of God, King,' etc. In resisting the claims of so ancient a borough as Chester the townsmen would naturally desire to claim as great an antiquity as possible, and, finding in their ancient parchments the names of a 'King Henry' and a 'King Edward,' would be very ready to assume that the grants had

1. I am indebted for this and other unpublished excerpts to my collaborator, Miss Platt, whose careful transcripts from the Town Records will, I hope, soon be published.

been made by the earliest kings of these names. They fell into these blunders, indeed, very easily. In 1565, for example, when the records say that 'Thomas Moore . . . brought a large confirmation of King Richard III' they can only refer to the charter of Richard II, for Richard III granted no confirmation. The Recorder of the same period, Mr. Edward Halsall, falls into no less than three such blunders in an undated paper in which he summarizes the existing charters. He attributes Richard II's charter to Richard III—making the mistake all the clearer by quoting the one distinctive phrase which appears in the charter; he dates the Henry III charter 1223 instead of 1229; and he puts in the reign of Edward II the *quo warranto* plea to which the burgesses were summoned in the reign of Edward I.

All the existing documents support the view that the supposed existence of charters earlier than John's is due to the mistakes of the burgesses. When the burgesses had to defend their liberties in 1292, they produced charters of John and Henry III, but there is not a word of Henry I and Henry II. In all the charters from Edward III to Philip and Mary the previous charters are recited and confirmed, and there is no mention of Henry I or Henry II in any of them. If such early charters had existed and survived as late as 1581, it is incredible that they should never have been alluded to; on the other hand, it is equally incredible that in 1581 the burgesses should have made no use in their struggle of the full and valuable charter of Henry III. All these difficulties are removed if we suppose that the Henry III charter and fee-farm lease were taken for grants of Henry I.

If it be necessary to argue any further against this time-honoured legend, it may be pointed out that the existence of an earlier charter than John's is inconsistent with the terms of the deed by which John granted Liverpool to Henry Fitzwarin in 1189. On the rare occasions in which a borough was granted by a king or chief lord to a vassal, it is always described as a borough and distinguished from other grants; but in this deed Liverpool is not even distinguished by being named first in the list of manors granted: 'Ainsdale, Ravenmeols, Liverpool, Litherland and French Lee' is the order, and it is evident that Liverpool stood on the same level as the other rural manors in the list. The legend is inconsistent also with the terms of John's charter. Its invitation to all-comers to come and occupy his 'burgages in the vill of Liverpool' implies that the burgages were as yet largely unoccupied, and had just been formed.

We may therefore unhesitatingly reject the supposed charters of Henry I and Henry II, and proceed to deal with the work of John as the creator of the borough.

(3) John's 'Charter'

King John, as we have seen, had become direct lord of the country between Mersey and Ribble, and had made various grants from these lands to his vassals. Throughout his reign John was keenly interested in Ireland, and anxious to complete its subjugation. For this purpose much use might be made of his Lancashire vassals and supplies. But John felt the need of a convenient port of embarkation from which men and provisions from his own and his vassals' lands could be transported to Ireland. There was no good port in Lancashire. Chester was separated from his estates by the Mersey, and was also too directly under the control of its powerful Earl. The hamlet of Liverpool, with its sheltered creek for beaching vessels, was excellently suited for this purpose. If by granting privileges he could entice merchants to settle there, he could use their ships when he needed them. And the scheme would have the further advantage that it would develop the resources of his own estates in the neighbourhood. Beyond doubt these were the motives for the creation of a privileged port at Liverpool. Its privileges were not, as in many other cases, purchased by its burgesses, for there were no burgesses to purchase: they were instituted by the royal power, and purely in the royal interest.

It is not surprising, therefore, to find John giving a good deal of attention to the district in the early part of his reign. In 1206 he visited these estates.¹ It is not certain that he visited Liverpool, but we hear of him at Lancaster and at Chester, and he may very well have passed through the town on his way from one to the other. It has long been supposed that it was he who founded the Castle,² which with its four great towers crowned the little hill at the top of the modern Lord Street in later times. The only evidence in support of this view, however, is to be found in an entry in the *Pipe Roll* of 1203, in which twenty marks are stated to have been expended on the king's 'Castle in West Derby,' but it is pretty clear that this refers to repairs of the old castle in West Derby proper, not to the erection of a new castle, which would cost far more than twenty marks. Besides, in 1203 the

1. *Itin. of John*, prefixed to Pat. Rolls of John. See also *Lanc. Pipe Rolls*, 206.

2. This is the traditional view, adopted by practically all the local historians, and most fully developed by BAINES (p. 76). CAMDEN (*Hist. Elis.*, 637), attributes the castle to Roger of Poitou, but advances no evidence. For the probable date of the erection of the castle, see below, p. 38, note 2.

king had not yet got back the township of Liverpool into his own hands. But there is nothing to prove that he did not erect some sort of a fortification to guard the entrance to his new port. This would be a very reasonable precaution; and though the castle as it existed when we get a clear account of it is almost certainly the work of a later period, it is not unlikely that John strengthened and fortified a manor-house on its site, if any such existed when he took over the township. We have already seen how John obtained possession of Liverpool from Henry Fitzwarin in exchange for other lands. Five days after this deed of transfer was signed—on August 28, 1207—there was issued also another deed,¹ the so-called 'charter' from which the existence of Liverpool as a borough is usually dated.

'So-called,' because in strict form it is not a charter at all, but only a sort of proclamation, or circular letter, inviting settlers to come to Liverpool, and promising certain privileges as an inducement. Possibly the nucleus of the additional population was obtained by transferring the holdings of a number of free tenants from the parent manor of West Derby to the new borough.² For those who accepted the King's invitation certain small holdings had been allotted in the town:—strips of land, with houses upon them, facing on one of the main thoroughfares of the little town. These were called *burgages*, and their rent was one shilling per annum. The fixed rent of twelpence seems to show that the organization of the new borough was modelled on that of the boroughs of Normandy, which was followed by many of the English towns created in this period, among others by the towns of Salford and Manchester, where the same rental was exacted for the *burgage*.³ To each *burgage* a holding in the arable fields of the borough was attached, probably at first of the uniform extent of a Cheshire acre⁴; it may

1. See below, Chap. I, No. i.

2. In the *Pipe Roll* for 1207-8, the year after the foundation of the borough of Liverpool, an allowance of £8 is made to the sheriff: 'Et in defalta de Westderbi quae est remota usque ad Liverpul per breve regis et per inquisitionem viii li hoc anno.' *FARRER, Lancashire Pipe Rolls*, p. 220. £8 would almost exactly correspond to the rental of the one hundred and sixty-eight *burgages* which are later found in Liverpool. But probably the allowance was estimated to cover not only the loss on rents, but also the loss due to the institution of a new court in Liverpool, and perhaps the establishment of a mill or mills. The hypothesis of a removal of tenants from West Derby, though tempting, is not, however, the only possible interpretation of this curious entry. It may mean 'West Derby has been removed, so far as Liverpool is concerned (usque ad Liverpul), because now the Liverpool dues must be paid direct through the bailiff of the borough; and the assessed reduction that ought to be made on this account in the payment of West Derby is £8.' The difficulty in the way of this interpretation is, that though £8 might be a reasonable estimate for the revenues of *burghal* Liverpool, it was a very high estimate of the difference caused to West Derby by the cutting off of rural Liverpool.

3. *BATSON, The Customs of Breteuil*, E.H.R. xv, 306, xvi, 336; *TAIT, Mediaeval Manchester*, 63.

4. This is remarkably borne out by Mr. Irvine's map prefixed to this volume, where the strips have been measured out at a Cheshire acre apiece, and number 167. The Cheshire acre was equal to more than two statute acres. For the evidence for the statements in the text, and for the remainder of the paragraph, I can only refer to *The Moore Deeds*, with Miss McConnell's introduction, which will be published shortly.

have consisted of a strip in each of the three fields of the township. No additional rent was paid for these holdings of arable; they were 'acquitted' by the payment for the burgage proper. But they were not regarded as being part of the burgage. They could be separately sold or demised. In course of time it came about that tenants of burgages would hold very different amounts of land in the fields; but they still paid only for their burgages, at the rate of twelvepence a piece, however great or small their other holdings.¹ In some cases the burgages with their annexed strips in the fields seem to have been granted in blocks; for a little later we hear of burgesses who hold 'three burgages and three acres,' or even five or eight burgages. In the next century there were one hundred and sixty-eight burgages, but it is probable that the number was smaller at the beginning.²

Though the burgages were small, they had this great advantage over other holdings in land, that the tenant owed only his rent³: he did not do fealty to his lord, he had no vexatious 'services' to perform and he was not subject to feudal incidents: his heir (for the burgage was heritable) need not, in most cases, pay anything to be allowed to succeed him, as was the case with lands held under other terms; while if he succeeded as a minor, he would not be the 'ward' of his lord, but of his nearest relative. Unless the burgage 'escheated' or lapsed to the lord through lack of heirs, the rent could not be raised, and in the first hundred and fifty years of the borough only two such cases are known to have occurred.⁴ What is still more remarkable, the burgage

1. In the rentals of the 14th century (e.g. the very full extent of 1346, p. 299 below) there is never any mention of payments for lands other than the burgages. This has sometimes been supposed to imply that the burgage included a holding in the fields. But the *Moore Deeds* show that this was not so, and that the holding in the arable was quite separate, though it was 'acquitted' by the burgage.

2. With regard to the number of the burgages there is no definite evidence before 1346, when the number is stated to have been 168. In 1296 the rent paid for burgages was £8 7s. 6d. This would be the correct rent for 167½; and we know that a few years later there was one burgage or a part of a burgage held on special terms. But it does not necessarily follow, though it is possible, that this number had been fixed by John. It may have been increased by the Ferrers or the Earls of Lancaster. And the low amounts of the revenues accruing from the town in the first period (only £9 in 1223-6; £10 in 1229-33 and in 1256; neither of which sums, after burgage rents are deducted, leaves a sufficient margin for the other sources of revenue) seems to encourage this view. But the question must be left undecided.

3. On burgage-tenure, see POLLOCK and MAITLAND, *Hist. Eng. Law*, i, 295, 640. Professor Tait, however, has shown that in several boroughs, including Salford, Manchester, and Stockport, a heriot was paid on the death of the tenant, consisting of the arms he had used during his life. *Medieval Manchester*, 71. Mr. Farrer has shown me one parallel case in Liverpool. In 1338 Henry of Lancaster granted to Richard and John de Wambergh 1½ burgages, one acre and one selion at a rent of 6s. 8d., *et rendant la double rente ap'z la mort de chescun tenaunt en nom de relief*. But this deed is the only one I have seen in which there is any mention of a relief. The grant was one of escheated lands, and the terms were exceptional—the correct rent should have been 1s. 6d. instead of 6s. 8d.; probably the relief is an exceptional arrangement also. In any case a relief is different from a heriot.

4. One was a 'burgage before the castle gate,' mentioned in the *L.T.R. Enrolled Accounts*, 16th-19th Edward II, where the rent is raised by successive stages from 3s. to 4s. 6d., though the other burgages remain at the old figure of 12d.; the other was the case named in the last note.

itself, or the strips attached to it, or any part of either, could be sold or sublet by the occupant, remaining at the same rent ; provided that the new tenant was duly 'admitted' as a tenant at the borough-court and paid to the lord the proper fine for admission.

We are tempted to ask : Did all the original tenants in the hamlet—villeins and bordars—have their huts and gardens turned into burgages ? This question cannot be definitely answered, but the probability is that they did. For in the later rentals of the borough¹ there is no mention of any payment made for lands in the original fields of the borough by any tenants besides the holders of burgages ; indeed it would seem that the burgages and the strips annexed to them must have swallowed up all the available cultivable land of the borough.² But there may nevertheless have been in the town a small class of serfs not possessing the privileges of the burgage-holders ; for the tenants of the larger bundles of burgages must have required assistance in the cultivation of their lands. In some English boroughs there existed a considerable class of inferior status to the free burgesses. There cannot have been many such, at the beginning, in Liverpool—even if there were any at all. But it is not possible to be certain that the whole of the inhabitants of John's little town possessed the full degree of privileges in which the holders of burgages rejoiced.

In addition to a very free mode of land-tenure, John also granted to the tenants of his burgages substantial privileges of a different kind. They are given great advantages in trading—'all the liberties and free customs which any Free Borough on the sea has in our land.' But these 'liberties and free customs' are confined to the holders of burgages. It is not enough to live in Liverpool, or even to hold land in Liverpool : a man must occupy one of these particular patches of land if he wants to share the privileges which the King has conferred.

But what are these 'liberties and free customs' ? In the first place, they include exemption from the payment of certain trade dues, such as the lord of the berewick before John's time would exact from any travelling chapman who entered his domain. Wherever the mediaeval trader went he found himself faced by a bristling tariff of such dues ; if he was an unlicensed trader he did not escape them even in his own township. There were dues for the admission of himself and dues for the admission of his goods ; dues for the erection of a stall, dues for the use of the stall, and dues on every sale and every

1. For example, in the very elaborate rental of 1324-5, or the extent of 1346, which gives the names of all tenants. The only lands separately paid for, apart from burgages, are lands in Saltonessmore, which, as will be seen later (below p. 42), were a recent enclosure from the waste.

2. The arable was rated only at one carucat. (extent of 1346).

purchase he made ; and in some towns, where there were privileged traders, he would find that even after he had settled with the lord, he might have a second set of dues to pay to the traders of the town for the right of sharing their privileges on such terms as they might dictate. A privileged trader, on the other hand, was free from most of these dues ; and it is this freedom, for one thing, that John granted to the holders of the burgages. Many of the privileged boroughs had obtained the right of exemption from dues, not only within the limits of their own town, but throughout the king's dominions. John did not grant so much as this to his Liverpool burgesses ; that was to come later. He only granted this freedom *in villa de Liverpool*, in Liverpool itself.¹

But what, if anything, beyond this grant of freedom from tolls (*liberas consuetudines*) is implied in the phrase 'all the liberties . . . which any Free Borough on the sea has' ? It seems to imply that Liverpool becomes a Free Borough, though it is curious that this is not said in plain terms, as in the next charter of 1229. But not much is involved in being a Free Borough. Any little rural township became a Free Borough so soon as its lord turned the holdings of his serfs into burgages, abolished villein services, and took money rents instead.² But a higher grade of privileges seems to be offered—those belonging to Free Boroughs on the sea. Bristol and Southampton were Free Boroughs on the sea, and before this date they had acquired the right to have a Gild Merchant³ (of which later). Was Liverpool granted a Gild Merchant ? Most probably not, for that privilege was so important that it would certainly have been specified in the grant. Again, the greater Free Boroughs, including Bristol, ranked as Hundreds : they had independent courts of their own, and were exempt from the jurisdiction of hundred-courts, and sometimes of shire-courts. Was Liverpool thus exempted, and was her own private court placed on the level of a hundred-court by John's charter ? Far from it.

1. BAINES (p. 81) states that John's charter 'freed the burgesses from the liability to pay the customs of the crown either in the borough of Liverpool or in any royal borough' ; and PICTON (*Memorials*, i, 13), rather absurdly says that the charter was 'based on the widest principles of free trade.' But the wording of the deed is perfectly clear ; the words *in villa de Liverpool* are a meaningless repetition unless they are intended to limit the *libertates et liberas consuetudines*.

2. It used to be held that a town could only be called *Liber Burgus* when it possessed the highest degree of municipal liberties. For the evidence that the term forms the most general designation for any vill whose members have been freed from villein services, see POLLOCK and MAITLAND, *Hist. Eng. Law*, i, 640. Professor Tait illustrates the same point very clearly in *Mediaeval Manchester*, p. 62.

3. Bristol at least as early as 1188, and Southampton in the reign of Henry II. Gross, *Gild Merchant*, i, 10, 15 ; ii, 24, 213.

4. BAINES (p. 81) states that John's charter 'at once delivered its inhabitants from the jurisdiction of the hundred-courts ; it gave them the privilege of choosing their own bailiffs ; it created local courts of justice.' There is, of course, not a word of any of these things in the document ; nor is there any evidence that they followed from it.

It is, indeed, just possible that in 1208 (the year after the borough was created) the hundred-court of West Derby may have been removed from West Derby to Liverpool.¹ But if this was done, it was simply because Liverpool had become the most important place in the district; the court would still be the court of the whole hundred, not a purely Liverpool court; and side by side with its monthly meetings there would still be held the more frequent meetings of a purely local court—the old manor-court, now transformed into a borough-court, and presided over by the king's steward or bailiff. Again, the greater Free Boroughs, like Bristol, are self-governing; they have Bailiffs and sometimes Mayors of their own, whom they elect themselves. The burgesses of the new Liverpool no doubt continued to elect their reeve,² as they had done in the purely rural period, to act as the village foreman in common business, and to see that each burgess did what was required of him in watch and ward, in keeping order on market days, and the like. But there is no room for doubt that all the main functions of government were performed by the king's bailiff. It is necessary, indeed, to keep in mind the fact that John was not selling privileges to an existing body of burgesses, in which case the extent of his grant would have been measured by the depth of their purse; he was creating a borough for his own purposes, and we may be sure that he intended to retain absolute control over it. He meant his new town to be profitable to him, and would give no privileges which were likely to diminish his profits. He had freed his burgesses from trade-dues within the town as a means of encouraging them to make it a trading-centre; but he still exacted these dues from all others who traded in the borough, and even the burgesses had plenty of other dues still to pay. They had to pay their burgage-rents; they would pay a small fixed rent for their stalls in the market; they had to grind their corn in the king's mill, and pay for the grinding; and there were occasional special impositions as well, *tallages*,³ which the king always reserved the right of imposing on his demesne land and his boroughs. The king, too, got the dues from the ferry over the Mersey, and all the fees and fines paid in the courts.

But if even the privileged burgesses were so dependent, what is the meaning of the *libertates* of which the charter speaks? I do not

1. Such a removal would help to account for the large allowance made to the sheriff in 1208 and the next two years.

2. A reeve of Liverpool is mentioned as late as 1246, *Assize Rolls*, 1404, m 16.

3. Tallages were levied of one mark in 1219, five marks in 1222, eleven marks in 1229. *Pipe Rolls*, 3 H. III m 12, 6 H. III m 5, 11 H. III m 1. The rapid increase is significant.

think we can safely assume that they cover more than simply the general privileges of burgage-holders; freedom from services, free inheritance, and so forth. John's grant is markedly a grant to individuals, not to a community. He does not create an independent, self-governing group; he only gives certain personal privileges to a number of individuals: freedom from tolls, and the freest mode of landholding; and these privileges are to be construed according to the most favourable conditions holding good in other communities of a similar kind, the 'free boroughs on the sea.'

It is probable that when John founded the borough, he also instituted a weekly market and a yearly fair. There is, it is true, no direct record of his having done so. But market and fair were necessary if his borough was to be made into a place of trade; and when the right of the burghers to hold these (among other) privileges was called in question under writ of *Quo Warranto*,¹ in 1292, they quoted in support of their claim the charters of John and Henry III, though there is no specific mention of market or fair in either. Perhaps they are included under the vague term *libertates*. Now the advantages of having a regular market are twofold. Not only is there more variety to be got there, but more security. If Higg, the son of Snell, bought an ox by private treaty, and the ox turned out to have been stolen, Higg would be responsible to the original owner, and might be hanged for having the ox in his possession. But if he bought it in market overt before the proper witnesses, he would be safe². Hence the grant of market privileges by the crown made a place the buying and selling centre for its whole district, while the right of holding a fair would attract buyers and sellers from a much wider area. The privileged burgesses, who both bought and sold on such advantageous terms, profited proportionally. In market and fair alike they had the right of having stalls rent free. 'Foreigners' must not only pay dues on their sales (unless they came from boroughs having freedom from tolls all over the country), but, wherever they came from, they must pay stall-rent and probably also dues for the disturbance of the ground to erect the stall.

The general administration of the king's borough will be entrusted to servants of the crown, bailiffs, who will control the more complicated business of the town, just as the steward controlled the simpler business of the manor. The bailiff will enforce such regulations as may be laid down; will collect the burgage-rents, work (or let out) the mills and

1. Placita de Quo Warranto, 381. Reprinted below, Chap. III.

2. POLLOCK and MAITLAND, *Hist. of Eng. Law*, ii, 164.

the ferry ; receive the multitudinous dues both from the foreign trader and from the burgage-holder ; and be answerable for his receipts and expenditure to the royal sheriff. To him the reeve or bailiff elected by the burgesses will be responsible for seeing that the burgesses duly perform their duty in court or market, or in cleaning or policing the streets. Probably the same official will control the market and the fair, apportioning stalls, preserving order, and witnessing sales ; but there may have been special officials for this purpose. Just as the manor-court was the organ of the steward of the manor, so the borough-court which succeeds it will be the organ of the bailiff. He will preside over its frequent meetings, and the body of burgage-holders will be the suitors ; and here all breaches of the borough-regulations will be punished. Every annual fair would bring its court of *pie-powder*¹ for deciding disputes rapidly and without the cumbrous formalities of the common law, since such differences must be settled before the 'foreigners' left the town. Over these courts also the bailiff or other royal officer would preside.

Thus the first stage in the history of the borough shows us firstly a group of occupants of patches of land which convey privileges of trade and personal freedom, and beside them probably a second group of unprivileged serfs ; all equally under the direction of royal officials. The town has become a centre of humble trade, and its population has largely increased. But it has not ceased to be an agricultural community.² Except for the subtraction of a small amount of land for the burgages, little change has been made in the organization of the place. The open fields and their strips still remain, and are cultivated in the same way. The serfs probably owe the old dues and services ; even the trading burgesses have holdings in the arable, and for centuries to come their fields will occupy more of their attention than commercial affairs. It is true that in course of time the holdings in the open fields will tend to become more divided and to change hands more rapidly, owing to the presence of a larger and more fluctuating population, and to the attraction to the neighbouring magnates of investments in town property. But the full extent of the change involved in the creation of the borough would not at first be apparent. A small trading community had been superimposed upon, or rather merged with, the older farming and fishing community ; but this was the extent of the change. With a little adaptation the old method of conducting the business of

1. There are allusions to a court of Pie-powder in Liverpool in later documents of the 16th century. Pie-powder = *pieds-poudrés*, dusty feet ; a court for travelling merchants.

2. On the relation of the 'borough' to the agricultural 'vill,' see MAITLAND, *Township and Borough*, especially Lecture III.

the township at first suffices for the new conditions, though these are in some ways more complex.

But once trade has begun, bringing with it a freer movement of men and ideas, the old fixity and rigidity of custom becomes more difficult to retain. The modes of a little rural township are found to be increasingly inappropriate to a larger and more flexible community. A single official might work satisfactorily the unchanging custom of the manor, but the authority of the royal bailiff comes to be vexatious when it is applied to the regulation of a growing trade. Perhaps the trading townsmen in Liverpool, as in other boroughs, early began to form themselves into some sort of voluntary association for mutual assistance and protection, and to desire greater powers of self-government such as other towns had already obtained. Certainly in the course of the first twenty-two years of the borough they learnt in some way to act together. For, after that interval, we find them acting as a single body to obtain a new grant of privileges.

(4) The Charter of Henry III

It is not unlikely that in the years following the grant of John's charter the little town enjoyed a modest degree of prosperity. Quite apart from the ordinary profits of local trade, the expeditions of the king to Ireland and Wales probably created a good deal of business in the new port, for they were carried out on a large scale ; and a steady trade with Ireland may have resulted from the connexion thus opened. The traders, hampered by the control of the royal bailiffs, desired greater freedom of action ; they probably organized themselves, as has been suggested, into an informal gild for common action in the common interest ; and in the appeal for new powers they would have the backing of many of the local magnates who had holdings in the borough and used its markets.

In the course of little more than twenty years they found themselves in a position to make a bargain with the king. In 1229 Henry III was already in great difficulties for money, and was very ready to sell privileges to those who could pay a price for them. So the men of Liverpool somehow raised among them the sum of ten marks (£6 13s. 4d.) and bought a new charter¹ of a very extensive kind.

The Charter of Henry III is of the first importance in the history of the borough, for it remained the governing charter until the seventeenth century, all the intervening charters being scarcely more than confirmations. It is a much more elaborate and detailed document than John's grant. It follows the recognized form of borough charters of that age, and it grants almost the highest degree of borough privileges. The rights which it confers fall naturally under four heads. (i) In the first place the charter opens with a formal grant to the burgesses of the privileges of a Free Borough for ever. This probably did not in itself involve any actual addition to the burghal privileges, but at least these are rendered more secure by being made more formal. John's deed had been an announcement of what he intended to do in his township if settlers came to it ; Henry's charter is a definite grant of powers to an existing body of burgesses and legalized their organization. (ii) Secondly, the borough is in a sense—and especially for judicial purposes—cut out of the shire, like

1. See below, Chap. I, No. 2.

a modern county borough. It is freed from the superiority not only of the hundred-court, but, what was more rarely granted, of the shire-court also; the holders of burgages are not any longer required to do 'suit' at these courts, and the borough-court is given jurisdiction over all property and civil cases within its limits. The burgesses can refuse to be tried in any court but their own on any case affecting their property within the borough. It may be a sign of this new judicial independence that the hundred-court, which as we have seen may have been moved from West Derby to Liverpool after the grant of John's charter, is now found sitting again at West Derby. (iii) In the third place the trading privileges of the burgesses are largely increased. They are granted exemption not only (as in John's charter) from tolls within the borough, but from all such tolls throughout the kingdom. (iv) Finally they are formally empowered to form themselves into an association, a gild merchant, for the exercise of these rights, and to exact a *hansa* or entrance fee for the right of admission to the gild—a provision which for the first time gives them a 'common chest'; and to ensure the strength of the gild, the trading privileges, hitherto given to the burgesses as tenants of burgages, are now confined to the members of the gild.

But the crown, although it has given away so much, has still numerous rights and considerable property within the borough. It has the burgage-rents, and the ferry-dues, and the dues paid by 'foreign' merchants. It has the right to receive fines and fees paid in the courts, and the profits of the royal mills, and the licenses for fishing in the Mersey, and wreckage. All these revenues must, of course, still be collected by a royal agent, probably a bailiff appointed by the sheriff of Lancaster. The interference of this royal bailiff was vexatious, and formed a serious limitation of the self-government conferred by the charter; for it would be nearly impossible to draw the line between the sphere of the elected officers of the borough and the sphere of the royal bailiff. For example, since the profits of the court belonged to the king, the royal bailiff would naturally preside over the court in order to see that the proper fees and fines were paid. Most of the greater Free Boroughs got rid of this interference of the royal bailiff and the sheriff by obtaining what was called a 'farm' of the town, that is, by compounding with the King for a fixed sum in lieu of all his rights, and collecting the miscellaneous dues themselves. Liverpool obtained this power by a grant¹ dated the day after the issue of the

1. See below, Chap. II, No. 2. The smallness of Liverpool is indicated by the fact that at about the same time Appleby paid £15 of fee-farm rent, and Bristol £244. But considering that if there were 168 burgages, the burgage rents alone amounting to £8 8s., the Liverpool rent is inexplicably small.

charter, whereby the king 'granted to our honest men of Liverpool our town of Liverpool to be held at farm,' at a rent of £10 per annum. This was an advance of £1 on what the town had hitherto yielded to its royal owner; for the royal accounts from 1223 to 1226¹ show that the sheriff of Lancaster had to account for £9 from the Borough of Liverpool. The burgesses were doubtless glad to pay the extra pound for the privilege of collecting the dues themselves. But while many fortunate boroughs obtained the grant of farm in perpetuity, the Liverpool burghers only succeeded in obtaining it for a period of four years; their position was thus left insecure, and the fee-farm leases of Liverpool were, as we shall see, to have a very chequered history.

When we enquire how the powers granted by the charter and extended by the fee-farm lease were exercised we are met by a great difficulty. In many towns records of the proceedings of the town authorities survive from a very early period; but there are no such records in Liverpool earlier than 1525. A series of fee-farm leases, not in regular sequence until the fourteenth century; a few bailiffs' accounts of royal or ducal revenues in the borough; one or two bald accounts of trials in which the rights of the burghers were involved; a roll of the Court of Liverpool for a single year; a few casual allusions in the national records and in local deeds of various kinds—these exhaust our direct authorities; and we must do our best to infer the machinery of the government of the mediaeval borough from the full records of the sixteenth century, correcting them by the scanty earlier documents, and by what we know of other boroughs in the same period. And this is not a very certain method—our conclusions are bound to be largely conjectural.

When the burghers obtained self-government, how did they replace the royal bailiff, if they replaced him at all? What officers did they choose, how were they elected, and how far was their power checked or controlled by the existence of any popular ruling body? These are the first questions which naturally suggest themselves, but the answers are by no means easy. We have nothing like the full and vivid account of the proceedings of the men of Ipswich² on the

1. See below, Chap. II, No. 1. The sum of £9 in these years is accounted for by William de Ferrers as Sheriff of Lancaster under the name of Rent of Assize, or assessed rent. It is of course possible that this assessed rent was, even before 1229, collected and paid by the elected officers of the burgesses themselves, in which case it would be equivalent to a fee-farm rent. In any case, the fixity of the sum suggests that the revenues of the borough were 'farmed' for a composition to somebody, for the proceeds of, e.g., fines in the courts, would necessarily vary from year to year. But it is most probable that the 'farm' was held by the sheriff himself. On this point see my paper on 'The Fee-farm Leases of Liverpool' in the *Trans. L. and C. Hist. Soc.*

2. *Little Domesday of Ipswich*, see Gross, *Gild Merchant*, ii, 115 ff. A full paraphrase in English of this very interesting document is given in the same book, i, 23 ff.

receipt of their charter in 1200, which tells how they solemnly met to determine what officers they would have, to lay down regulations governing their functions, and to swear on the Gospels to render them due obedience. In 1552,¹ when the freemen of Liverpool met in the Common Hall to elect their officers 'according to the ancient manner and praiseworthy custom,' the most important posts to be filled were those of a Mayor and two Bailiffs. But there is no mention of a Mayor before 1351, more than a century after Henry III's charter, and he was certainly a late development. The bailiffs, on the other hand, are clearly much earlier. In the year 1292² the 'Bailiffs and community of the borough of Liverpool' were summoned to appear before the king's justice at Lancaster 'to show by what warrant they claim' their various privileges. The bailiffs did not come; but 'certain men of the borough came for the community, and said that they had not then a bailiff of themselves' (*i.e.*, elected by themselves), because Edmund, the king's brother, then Earl of Lancaster and Lord of Liverpool, impeded them. But, they said, they had been accustomed to have a bailiff; and they produced their charters in defence of their claim. Now, it is noteworthy that the burgesses here claim to have only one bailiff 'of themselves'; yet in 1309 we find two bailiffs witnessing a deed. This suggests that there were two bailiffs, but that only one of them was elected by the burgesses under the terms of the charter, the other being probably appointed by the king, or other lord of the town for the time being,³ to look after his interests and see that his dues came to him. When the burgesses held the fee-farm lease they may have elected both bailiffs,⁴ one to collect the dues for the farm, the other (their own bailiff) to carry on the ordinary business of the town. When they did not hold the farm, and the lord of the town had his own officer to collect the dues, they may only have elected one bailiff. But it is fairly clear that, except when they were illegally 'impeded' (which did not happen often) they had elected at least one bailiff from the beginning. I suspect that when they first obtained the right of self-government this

1. PICTON, *Records*, i, 59.

2. *Placita de Quo Warranto*, 381. Quoted in BAINES, 115, and PICTON *Records* i, 6. Printed below, Chap. III.

3. In support of this view, I may point to the fact that in the sixteenth and seventeenth century there is always a distinction between the two bailiffs. The one was chosen by the Mayor and was called the Mayor's Bailiff or King's Bailiff; he is sometimes called the 'cheeffe bailiff,' and is invariably named first in the record of elections. Thus in 1647 'Richardus Williamson nominatus et electus est Ballivus pro domino rege et Majore burgi predicti: Johannes Sturzaker nominatus et electus est Ballivus pro villa et burgo predicto.' See Miss PLATT's paper on the Municipal Officers of Liverpool, *Trans. Hist. Soc. L. and C.*, n.s. xix-xx, 188-90.

4. We shall see (below, p. 49) that the rise of the Mayoralty was probably the result of the regaining of the lease. The Mayor was at first simply the *major ballivus*.

was practically all that they did : to replace the royal bailiff by an elected bailiff or bailiffs, to whom they left practically the same powers and duties as the royal bailiff had enjoyed—just as the Romans, when they abolished the monarchy, simply replaced the irresponsible king by two elected consuls holding office for one year. The importance of the change in the one case as in the other consisted simply in this, that the officer *was* elected, and that he was elected only for one year and liable to be called to account at the end of it. If we follow the analogy of other English boroughs, the duties of the bailiffs were very extensive. They managed the whole business of the town, presiding over the assemblies of burgesses and over the borough-court, keeping order, seeing that every burgess took his part in the watch and ward of the town, in the repair of walls, and in quenching fires and suppressing riots, managing the market, witnessing sales, maintaining the pillory and the prison, carrying out the ‘dooms’ of the court, and (when the borough held the farm from the king) responsible to the king’s officers for the payment of the farm-rent. If the dues they collected were not sufficient to pay the lump sum due to the king, the balance, as in other boroughs, would come out of the bailiffs’ pockets, unless they could persuade the assembly of burgesses to submit to a rate. If it is possible to discriminate between the functions of the two bailiffs, one may be regarded as charged with financial work and probably the presidency of the court ; while the other looked to the performance of their due services by the burgesses.

There does not seem to have been any salary for the bailiffs, unless they were given special rights in the town-fields, or a monopoly of some article of commerce, as was the practice in some boroughs.¹ It is not surprising to find that it was sometimes difficult in other towns, and probably in Liverpool also, to get such an onerous office filled. Men had to be fined for refusing to serve ; and probably only the wealthier townsmen would be willing to occupy the office. If the leading men wanted to monopolize the power which office gave, we may imagine that there would be no great desire on the part of their townsfellows to prevent them ; and thus from the first there would be a tendency for power to fall into the hands of a few. Doubtless there were also subordinate officials for special departments

1. In Ipswich, for example, Odenholm Meadow was set apart as a remuneration for the town officials. Gross, *op. cit.*, i, 26. In some old Liverpool deeds (see the Moore Charters, *passim*) there is mention of a part of the fields called ‘Sheriffacres.’ Is it possible that this was set apart, at first for the maintenance of the sheriffs’ officers and afterwards for their elected successors ? In 1324, in the neighbouring manor of West Derby, Hugh the Reeve held two oxgangs of land in return for service in his office (Rentals and Surveys, 379) ; and the practice was common enough.

of the town's business, also elected, but under the authority of the bailiffs ; some of them for the regulation of the markets, others carrying on the functions of the older village officers, and charged with various duties in the town-fields. Some of the officers of whom we hear in the sixteenth century¹ sound as if they had existed from the beginning : such were the Hayward, who looked after the hedges and the boundaries between the arable-fields and the waste ; one or more Burley-men, whose duty it was to see that regulations affecting land-ownership and land-occupation were carried out ; and the Swineherd, who collected the swine in the mornings and drove them out on the waste. After the borough got possession of a few acres of marsh called the Moss Lake, in 1309, there were two Moss-reeves, whose business was to allot 'platts' of peat among the burgesses, and to see that the peat was cut in such a way as not to destroy the value of the ground. To these officers, who were probably always elected, may be added some others, also mentioned in 1552, who may, when the town was not at farm, have been nominated by the lord's bailiff, because their functions were concerned with the town revenues : the ale-founders, for example, whose business was to see that ale brewed in the town was in accordance with the provisions of the Assize of Ale, the administration of which was part of the lord's right, except when he included it in the farm ; or the assessors and prysors, who valued goods brought by 'foreigners' to market and fair for the tolls due upon them.

These and other officers were elected, in the sixteenth century, at a great Assembly, from which no burgess might be absent, held annually on St. Luke's Day, October 18. Through all changes in the government of the borough, down to the passing of the Municipal Reform Act in 1835, this annual assembly continued to be held ; and we may very confidently believe that it had regularly taken place from the beginning. At these meetings, at first, only burgage-holders would strictly be entitled to be present. For it was only to the burgage-holders that the rights of self-government were granted. In the sixteenth century other assemblies, besides this great one, were summoned whenever business of great importance arose. Whether such special assemblies were held in the early days is a question impossible to answer. Indeed, it is wrapped up with the next problem which faces us—what, if any, was the distinction between the Assembly of burgesses and the Borough Court ? How was the Borough Court constituted, and how were its proceedings conducted ?

1. All the officers named in this paragraph are to be found in the account of the elections of 1552 in *PICTON, Records*, i, 59. On the borough officials, see Miss Platt's paper on the Municipal Officers of Liverpool, in the *Trans. Hist. Soc. L. and C.*, n.s., xix-xx, 188-208, where much fuller details are given.

In the sixteenth century, when it is possible to follow the proceedings of these bodies in detail, the Assembly of burgesses was clearly distinguished from the Borough Courts. The latter were of two kinds. Twice a year there were held Portmoots, at one at least of which (held shortly after the annual electoral assembly) all burgesses were required to be present. In addition there was a court held at frequent intervals, called the Mayor's Court, or the Court of Passage, at which the presence of freemen was not required unless they were empanelled as jurors. In 1346¹ this distinction between the great courts and the ordinary courts had already arisen; there were two 'great courts,' *magnae curiae*, in each year, and also an ordinary court meeting every three weeks, but we are not told who attended on these occasions. The same distinction between 'great courts' and ordinary courts is to be found in the *Court Roll* of 1324,² the only roll of the mediaeval court of Liverpool which survives. Here men are fined 'for absence from the great court'; but other absences are only punished when the absentee had been duly summoned, that is to say, when he was involved in some business before the court. No doubt the 'great courts' are the same as the sixteenth century Portmoots. But are we to assume that there was in the middle ages a distinction like that of the sixteenth century between the Portmoots as judicial courts and the Assemblies of Burgesses for legislative or other business? I think not. There is no evidence that any assemblies other than the Portmoots were held in the mediaeval period. In other boroughs, where full mediaeval records survive, we find that the name Portmoot was applied to assemblies of burgesses alike for judicial and other business. Even the Liverpool Portmoots of the sixteenth century by no means confined themselves to purely judicial business, but also 'appointed and sett down' all sorts of 'orders,' bearing upon the general affairs of the town, though it appears that

1. *Extent* of 1346.

2. Printed in *Lancashire Court Rolls*, 1323-4, pp. 77-88, which Mr. Farrer has edited for the L. and C. Record Society (vol. xli). Twelve courts were held during this year; at very irregular intervals, varying from a week to three months, showing that the theoretical three weeks' interval was by no means strictly observed.

3. At the court of October 22 six men are fined 4d. apiece 'because they did not appear at the high court.' It is worth noting that in the sixteenth century the great Portmoot was held within a week after the Assembly on October 18; this would seem to be its lineal predecessor. At other courts the offence alleged is 'because he was summoned and did not appear.' The distinction is obvious. For other examples of restriction of compulsory attendance to a few solemn occasions, see TAIT, *Mediaeval Manchester*, 76.

4. STUBBS (*Const. Hist.* i, 623) speaks of the Portmoot as being the usual name for the *Gild* Assembly; but this is a confusion. It was certainly the name of the *borough* court and assembly; cf. BATESON, *Records of Leicester*, i, xxiv ff.

5. PICTON, *Records*, i, 52 and *passim*.

the ruling authorities paid very little attention to these regulations. For example, the Portmoot decrees 'that there shall be no banquette made upon the two Faire days in the Common haull,' or that the Lessons 'shall be redd in the bodie of the Church.' It is a reasonable inference that the differentiation of the Assembly from the Portmoot in the sixteenth century was of comparatively recent origin, and that both arose from an original borough-court in which burgesses took part both in judicial and in administrative business. The borough-court or Portmoot of Henry III was, it must be remembered, the continuation of the borough-court or Portmoot of John, as that in its turn was the continuation of the earlier manor-court. It was presided over by the elected bailiff as its predecessor had been presided over by the royal bailiff, and as the manor-court had been presided over by the lord's steward. The clue to the difficulty is indeed to be found in the fact that in a court where the whole body of tenants (or burgesses) were present as suitors no sharp line would or could be drawn between judicial functions on the one hand and legislative or administrative functions on the other. A gathering of the tenants (or burgesses) for the purpose of trying breaches of the customs of the manor (or borough) would naturally be used for the purpose of promulgating new regulations, or, in the case of a free body of burgesses, for the purpose of approving them or of electing officials. It is, indeed, through and by means of the judicial function that the administrative work of manor or borough is at first carried on. The steward gets the field work of the manor done by bringing defects in the services demanded by custom before the manor-court; the bailiff of the borough gets the streets cleaned or the walls mended by having burgesses mulcted in the Portmoot who have fallen short in the obligations demanded of them by the custom or ordinance of the borough. And so the Assembly of burgesses and the Borough-court or Portmoot are one; and the name Portmoot may be used to describe both. Its meetings would be frequent, perhaps as frequent as once a month¹; the infrequency of Portmoots in the sixteenth century forms no guide, because in the meantime (as we shall see) other courts had grown up which had engrossed the greater part of the ordinary business; the real analogy is with the manor-courts of the earlier period.

But how did the differentiation between the Assembly and the Portmoot come about, if this view is to be accepted? That is a very

1. See note 2, p. 26.

interesting question, and leads to still another problem. In sixteenth century Liverpool we find constant mention of a body of 'Jurati' who take the chief part in the business of the Portmoot, and who are very active indeed. They number at the Great Portmoot twenty-four members, and at the Little Portmoot twelve members. They try cases brought before them; but apart from that, their behaviour is very different from that of an ordinary jury. They 'present' townsmen, that is, bring them to trial before the Mayor and his Brethren, for all manner of offences, small and great; the ex-Mayor is presented for not perambulating the liberties¹; one of the bailiffs² for not 'making up the Butts at the Castell'; the parson³ for 'kepinge horses and kyne in the churchyard,' and so on, down to 'Richarde Mosse,' presented for eavesdropping 'under the churche wall.' Not only do they 'present' burghers and officials for breaches of duty, but they make general regulations; and in short they perform just the kind of function which we might suppose the old Portmoot or body of burghers to have performed. But their authority has become very ineffective: their 'rules and orders for the government of the town, . . . by reason that the Maior and Aldermen have not been parties thereto, have been seldom kept and observed.' All this looks as if these *Jurati* were the relics of a body which had become effete, but was of older authority than the 'Maior and Aldermen.' Now, in most English boroughs of the Middle Age, there was just such a body of *Jurati*. In Ipswich,⁴ for example, when the charter arrived in 1200, the burghers decided that there should be 'twelve sworn capital Portmen,' *capitales portmenni jurati*, 'just as there are in other boroughs of England'; they were to have 'full power to govern and uphold the said borough with all its liberties, to render the judgments of the town, and to ordain and do all things necessary for the maintenance of its honour'; and two of the Portmen were to be bailiffs. In Leicester⁵ there were twenty-four *Jurati* charged with similar functions. In other words, these *Jurati* of Ipswich and Leicester had devolved upon them all the general functions of the Portmoot, with the exception of the election of the greater officers, thus relieving the ordinary burghers from the wearisome duty of attending the Portmoot. Just as the rise of the jury system was relieving the suitors of the shire-court from the burden of attendance at its sessions, so the boroughs were developing a similar means of

1. PICTON, *Records*, i, 57.2. *Ibid.*3. *Ibid.*, 99.4. *Ibid.*, 117.5. *Ibid.*, 52.6. GROSS, *op. cit.*, i, 24.7. BATESON, *Records of Leicester*, i, xlv.

getting rid of the cumbrous machinery of the old manor-court. It is a very reasonable inference that the *Jurati* of the sixteenth century Liverpool Portmoot were the representatives of a mediaeval body of *Jurati*, twelve or twenty-four in number, who carried on the portmoot business at ordinary times, except at the election of officers. Whether a body of *Jurati* existed from the first or not, it is quite impossible to determine. They may have been instituted, as at Ipswich, immediately on receipt of the charter, and relief from the obligation of suit at the Portmoot may have been one of the most practical advantages of the new régime. Or they may have arisen gradually. In either case, they would serve as a sort of advisory body to the bailiffs. As to the method of their appointment no definite information is to be obtained. But it may safely be assumed that they were empannelled by the bailiffs, as were similar bodies in the rural Halmotes.

If our argument has been just, we must then suppose, as the supreme organ of government in the borough, a borough-court, called the Portmoot, the direct successor of the manor-court, at which the whole body of burgesses are present at least once a year for the election of officers; but at whose ordinary sessions for judicial or administrative business, under the presidency of the bailiffs, the body of burgesses, even if they attended in the early years, were gradually replaced by a body of twelve or twenty-four *Jurati*.

It is far from clear, however, how far the power of the court and ruling assembly extended. The holders of burgages were, of course, subject to its authority; but probably in theory their own court concerned only themselves. Other inhabitants of the borough—serfs in the fields for example—would be in theory bound to attend the courts of their lords, and there may have been small feudal courts in the borough side by side with the Portmoot. But we may doubt whether in so small a borough any lord would have a holding large enough or subjects numerous enough to make it worth his while to hold a court; while as most of the neighbouring magnates probably held burgage lands in the town, and therefore shared in the borough-court, they may from the first have been content to have their vassals subjected to the borough-court. Many mediaeval boroughs had a long and often an unsuccessful struggle against powerful lords within their limits before they made their Portmoot the supreme governing body over all inhabitants. There is scarcely any indication of such a struggle in Liverpool, and when the period of ample records begins the authority of the Portmoot extends over all the inhabitants, whether free burgesses or not. It is likely, therefore, that there were not,

from the beginning, any petty manorial courts within the borough limiting the authority of the Portmoot ; but on this point it is quite impossible to speak definitely.

It remains to enquire what judicial powers were exercised by the Portmoot. The phrases in which these powers are conveyed by the charter—*sac* and *soc*, *thol* and *theam*, and *infangenethef*—are traditional phrases used (sometimes along with other equally difficult words) in grants of jurisdiction to feudal barons as well as to boroughs. It would be possible to give etymological explanations of the meaning of each, and much ingenuity has been spent in the attempt to define exactly what was granted by each of these words. *Infangenethef* certainly means the right of hanging a thief taken in the act within the liberties, which was probably the only case in which the Portmoot exercised the right of capital punishment ; for all the more serious crimes—murder, robbery, arson, etc.—were ‘pleas of the crown,’ reserved for trial before the king’s itinerant justices at their assizes. But as for the first four words, though they had distinctive meanings to begin with, they had probably become a mere formula¹ by the time this charter was granted, and we should gain nothing by elaborately distinguishing them. It is sufficient to say that the Portmoot exercises all the judicial powers which were exercised by the old hundred-court and by the old manor-court. It tries all cases affecting rights and properties within the limits of the borough, and no case bearing on these may be brought in any other court. It tries also all cases arising in the market of the borough. Thus its authority is fairly complete, except for serious crimes ; sufficient to turn the borough almost into a little independent commonwealth.

When a feudal lord obtained a grant of *sac* and *soc*, he valued it especially because he received the fees and fines of his jurisdiction, which thus brought him a fairly steady revenue. It might be expected that on the analogy of the feudal court, the Portmoot’s fees and fines would go into the common chest of the borough. But this was not so. Though there is no reservation to this effect in the charter, the profits of justice seem clearly to have belonged to the king, and to have been part of the royal dues included in the farm of the town ; they are levied by the royal bailiffs in every year for which we have accounts ; they are definitely included as such in the later farm-leases.² And the reason is obvious enough ; there was no common chest, and there was no person in the borough to whom the fees and fines clearly

1. POLLOCK and MAITLAND, *Hist. Eng. Law*, i, 579.

2. See below, Chap. II.

ought to go as they went to the baron in his court. Plainly the elected bailiff had no right to these perquisites, because he certainly was not the lord of the town. And the idea of regarding the whole body of burgesses as collectively being lord of the town was as yet inconceivable. Not until the idea of a corporation¹ slowly struggles into existence—the notion, that is, that the body of burgesses is, taken as a whole, a sort of ‘person,’ a ‘fictitious person’ that has an existence distinct from the existence of the individuals who compose it—could there be such a view. And this idea is one which, though it is now very familiar to us, a part of our ordinary mental furniture, took a very long time to grow. Meanwhile, since in a feudal age it was unthinkable that there was *no* feudal lord of the town, and since neither the bailiff nor the body of burgesses could be conceived of as lord, the king continues to be lord: to be feudal lord with certain vague feudal rights as well as king; and his lordship is a thing which he can sell or grant like any other property to one of his vassals. Unfortunately, before very long the king did grant his lordship to a vassal, and a time of trouble began for the borough. But it is worth noting that owing to this inability to conceive of the body of burgesses as being a ‘fictitious person’ capable of being treated as a lord, even though they have received the grant of *sac* and *soc* and of self-government, they are still liable to feudal interference; and their independence within their own domain is by no means as complete as that of a feudal lord who has received the same grants within his manor.

We must next enquire what powers were involved in the grant of a ‘Gild Merchant, with a *hansa* and all the liberties and customs pertaining thereto.’ The charter gives no definition of these rights; it assumes that their nature was understood. We may safely assume that the burghers were entitled to construe this grant in the light of the practice of other boroughs possessing the same privilege. Unfortunately, there is no record whatever of the proceedings of the Liverpool gild, such as exists elsewhere. In general terms the nature of the gild is clear enough from what we know of the practice in other boroughs. It was an association, whose members paid an entrance fee (*hansa*),² and alone enjoyed the privileges of free trading

1. On the slow development of the corporate idea see MAITLAND, *Township and Borough*, pp. 12 ff.

2. The real meaning of *Hansa* is not easy to determine, for it was used in many varying senses. Picton seems to regard it as a society distinct from the gild! (‘The Merchant Gild developed into the corporation, but for a long time the *hansa* was a body trading on its own account.’—*Records* i, 80.) The term is certainly used as equivalent to the gild, perhaps as we speak of the ‘Treasury’ doing this or that. Occasionally it seems to stand for the meeting place. But almost certainly its original and commoner use is that given in the text. See Gross, *op. cit.*, i, 192 (Appendix C), where many instances are quoted.

in the borough ; and it had the power of regulating the trade of the borough in some degree, and of fixing the terms on which ' foreigners ' should be admitted to trade in competition with its members.

Three main questions suggest themselves in connexion with the gild. Who were its members ? How was it organized, and what were its relations to the Portmoot and the ordinary machinery of borough government ? Finally, in what way did it exercise its powers ?

In all probability the whole body of holders of burgages were at the outset entitled to membership. If this were not so, the limitation of trading privileges to members of the Gild would involve the withdrawal of the privileges attached to the burgages by John. Perhaps some burgage-holders might decline to join the Gild, because they were unwilling to pay the *hansa* and other burdens involved in membership; but still every holder of a burgage must have been entitled to join. But the Gild was, probably from the first, not limited to burgage-holders. It could elect members, and the practice in Liverpool as elsewhere came to be that the sons and apprentices of members or ' freemen ' of the Gild had a right to admission, whether they held burgages or not, while persons not even resident in the town—' foreigners '—might also be admitted : the last class would probably have to pay a very heavy *hansa*. Thus the Gild in some degree formed a means of relaxing the rigidity of trade-restrictions. It prevented the absolute exclusion from all burghal privileges of all who had not the good fortune to hold one of the particular patches of land which John had enfranchised, and it rendered possible the admission, as the population grew, of new elements to these privileges. Although, as we shall see, the Gild was in one aspect a highly restrictive influence, on this side at any rate its existence brought an advance in liberty or elasticity.

It is impossible to say whether or no the Gild had from the first a separate organization from that of the Borough. In some towns it had a full machinery of its own, headed, usually, by an alderman ; in other towns it seems to have been always merged in the machinery of the borough.¹ There is no trace of an Alderman of the Gild in Liverpool, for the Aldermen of a later period were, as we shall see, quite different persons with quite a different origin. In 1552 we hear of the election of two ' Seneschals of the Gild Court '² ; but these are the only officials whose titles specifically refer to the Gild. They were elected in the Assembly of Burgesses, and it is quite clear that there was at that date no distinction drawn between Gild business and ordinary borough business. But the survival of officers bearing this

1. On this whole question, see Gross, *esp.* vol. i, chap. v.

2. PICTON, *Records*, i, 59.

name suggests that there had been a time when there was a distinct Gild Court, perhaps for the enforcement of the trade regulations made by the Gild and for the formal admission of new freemen. But we may well doubt whether any very clear distinction was ever drawn between Gild-Court and Portmoot, or whether their provinces were clearly defined. The small extent of the trade of Liverpool would tend to reduce to insignificance the special trade functions of the Gild. The distinction must have been vague, a distinction chiefly of names. For the membership of the two bodies would be almost identical. There may have been a few Freemen of the Gild who were not burgesses, that is, who did not hold burgages, but at first they would be very few. There may possibly have been a few holders of burgages who, not being engaged in trade, did not choose to take up membership of the Gild. But nearly all the freemen were burgesses, and nearly all the burgesses were freemen; and it would be very hard to distinguish between two bodies consisting of substantially the same members. It is more than likely that, as in some other boroughs, the same officers served for both. The Gild-Court was for all practical purposes simply the Portmoot sitting for a special kind of business, and the two bodies, if they were ever separate, would very rapidly tend to be combined: the Portmoot would pass Gild regulations and the Gild-Court try Portmoot cases, all the more readily because it could not always be easy to say to which court a particular case belonged. If the distinction between Gild-Court and Portmoot was maintained at first, it would rapidly disappear: it had done so by the time the records begin to be full.

Now, one important result of this would be that the Freeman of the Gild, even if not a burgage-holder, would come to enjoy not only trading privileges, but all other rights of the burgess. 'Freeman' and 'burgess' would come to be interchangeable terms; but it would be election as a Freeman rather than the possession of a burgage that would seem to be most important as the test of the right to enjoy the liberties. The actual burgages continued, of course, to exist; but simply as pieces of land facing on the main streets of the borough, held on a very free tenure, and possessing the peculiar virtue of admitting their holders directly and without question to the Freedom, if he chose to have it. The burgages came to be very much divided: we hear as early as 1348 of one man who held 'the third part of half a burgage,' of another who held the 'forty-eighth part of a burgage,' and so on.¹ If the possession of a burgage had continued to be necessary

1. Extent of the Lands of Henry of Lancaster, 1348.

to the enjoyment of full privileges, there would have been disputes as to whether these minute fractions carried all the privileges which had originally been assigned to the complete burgage. There may have been such disputes, though we hear nothing of them ; but perhaps the rapid break-up of the burgages may be taken as evidence that the possession of a burgage had ceased to be the test of a right to share burghal privileges. When the period of full records begins, burghal rights are invariably obtained by election to the Freedom, either in Portmoot or Assembly, or at the Common Council which later replaced the Assembly. Thus one result of the grant of the Gild was ultimately to give to the body of Freemen the right of admitting new members to their own body ; to take this power out of the hands of the lord from whom the burgages were held ; and to prevent the concentration of power in the hands of a rigid oligarchy of town landholders.

The Gild, then, was from an early date, and perhaps from the first, simply an aspect of the borough community. Its officers were the borough-officers ; its freemen were admitted in the Portmoot, and this admission gave them full burghal rights. But its very existence, and the powers which it involved, were of the utmost value to the development of the governmental machinery of the borough. While the Portmoot was primarily a judicial body, and only concerned with administration in so far as it punished breaches of custom, the Gild was primarily concerned with the regulation of trade, and in that capacity had definite functions of legislation and a staff of officers of its own. The merging of the two, therefore, made the common body more active and efficient.

Until the creation of the Gild, the Borough Court and officers would have no funds to dispose of. Even when the burghers held the farm, all the miscellaneous dues which the bailiffs collected were swallowed up in the payment of the farm-rent, and, apart from the farm, the borough could have no public revenues. But the Gild had revenues. It had the *hansa* paid by its members ; it had the payments which it extracted from foreign traders ; it may occasionally, for special purposes (such as the purchase of a new charter), have levied a rate on its members. And the creation of a revenue which belongs to the community as a whole marks a very important advance ; for it means that the Freemen begin to have an existence as a body, and not only as individuals. As Mr. Maitland says,¹ ' the evolution of a

1. *Township and Borough*, 204.

borough corporation is very closely connected with . . . the emergence of a freely disposable revenue which the burgesses will treat as the income of the town,' and 'which will not be wholly or nearly exhausted in the payment of the fee-farm rent.' It is the Gild which, for the first time, provides such a revenue ; it is the Gild, therefore, which gives birth to the first vague idea of the borough as having a corporate existence, distinct from the existence of the individuals who compose it. This conception, however, would dawn very gradually. At first the revenues would be irregular, and they would be small ; probably they were spent as they came in, on 'ale-drinkings' and other simple means of giving each Freeman his share. But later they will be used on enterprises for the common benefit. It would be Gild funds which would build the first humble Common Hall, the predecessor of the Town Hall, at the side of the market-place. It was probably also with Gild funds that the Chapel of St. Mary by the Quay,¹ which must have existed from very early days, and later the bigger chapel of St. Nicholas, were erected. They were the property of the town, managed by the town.

When we enquire the extent of the powers involved in the Gild,² and the mode of their exercise, the answer is unsatisfactory through the absence of records ; but it is quite clear that the Gild added immensely to the common business of the borough. From the practice of other boroughs with Gilds, we may assume that it gave to the Freeman the right of saying on what terms, if at all, foreigners should trade in the town ; and the right of drawing up regulations which both foreigners and Freeman must obey in buying and selling. They could not, of course, exempt the foreigner from paying the dues payable to the king as lord of the town, except by admitting him to the Gild. But even when he had paid these dues, they could impose upon him further dues of their own. Like the Freeman of other towns, they were probably careful to keep the retail trade in their own hands by such ordinances as that no foreigner might sell to any but a Freeman, or that no foreigner might buy in open market until the Freeman's wants were met. Like other gildsmen, they probably decreed that every Freeman should have the right to claim a share in bargains of certain kinds made by other Freeman ; or (when the

1. On this chapel, which certainly existed as early as 1257—a century before the erection of St. Nicholas—see Mr. Elton's paper in *Trans. Hist. Soc. L. and C.*, vol. xviii (n.s.), p. 73.

2. For the functions of Gilds elsewhere, see Gaosa, *op. cit.*, esp. vol. i, chaps. iii, iv. I was at first tempted to borrow from Mr. Gross the material for a more elaborate description of Gild functions than I have given in the text, but I feel it to be so doubtful whether the Liverpool Gild exercised any distinctive functions at all that I thought it wiser to leave the subject in appropriate vagueness.

corporate idea had developed) that the officers of the borough should have the right to buy a whole cargo as a town's bargain for the common profit, and that in this case no individual trader, Freeman or foreigner, should bid against them. These practices we find existing in the sixteenth century in Liverpool, and throughout the middle ages in many other towns.

To enforce the Gild regulations and to look after the foreigners, a staff of special officers was needed. In the sixteenth century we hear of two 'levelookers,' whose business was to see that unlicensed foreigners did not trade, and that licensed ones paid the proper dues; two 'customers' who collected the customs duties; and a 'keeper of the Common Warehouse,' which seems also to have been the Common Hall. All these officers were in 1552 elected by the Assembly of burgesses; but all have the air of being Gild officers. Their names are familiar as those of Gild officers in other towns. That is to say, the functions they performed were functions which did not belong to an ordinary Portmoot, but only to a borough which had powers of trade-regulations such as were given by the grant of a Gild. Whether these officers were from the first elected by the Portmoot or not, they were the officers of the whole free community. And the power of appointing them, and of controlling the functions which they exercised, was a very real addition to the self-government of the borough.

Thus, whether the Gild existed as a separate body or not, the grant of Gild-powers materially amplified the slender framework of the machine of municipal government, as we have already described it. It made self-government far more of a reality than the Portmoot by itself could ever have made it. The Gild was a power worth having, even to those burgesses, if there were any, who did not join it: it was genuinely a privilege granted to the borough as a whole, and properly described as such in the charter. And it is to the existence of the Gild, or of Gild powers, that the continued development of the borough must be attributed. When the king sold his lordship, and the borough came under the power of neighbouring aggressive potentates; when the burgesses lost the fee-farm lease, and when by that loss much of the meaning went out of the grant of *libertates* and *liberae consuetudines*, it was probably the Gild alone which kept common organization effective, and the funds of the Gild which, after a century of obscure struggle, rendered possible the buying back of effective power.

(5) The Baronial Period

We have described in general terms the privileges involved in the Charter of Henry III ; but it is not by any means clear that the burgesses were long permitted to enjoy these privileges to their full extent. They had been won as a direct result of the town's passing under the immediate control of the crown, which alone could grant exemption from tolls throughout the land, or was sufficiently strong to be willing to allow a large degree of independence to its burgher vassals. But the direct connexion of the town with the king was soon to be interrupted. In October 1229, seven months after the grant of his charter, Henry III, anxious to bind to himself one of the most powerful nobles in England, granted to Ranulf, Earl of Chester, all the royal lands between the Mersey and the Ribble, including 'the borough of Liverpool with all its liberties.' The grant of the 'liberties' probably means that the royal privilege of wide exemptions was not to be considered as lapsing simply because the town had passed out of the royal hands. It was a fortunate thing that this grant was made after the charter ; for the town did not, except for three very brief intervals,¹ return to the royal control till 1399, after having been under baronial rule for a hundred and sixty years ; and not the greatest of barons could have given the privileges which were later to be so valuable. The next period of the history of Liverpool is of unusual interest, because it was rarely that the crown allowed a royal borough to pass out of its hands, and Liverpool is one of the few cases, like the more important Leicester and Warwick, in which baronial control followed royal control.²

This baronial period of Liverpool history falls into three sections, the first of which extends from 1229 to 1266. Ranulf of Chester held his new possessions for only three years ; on his death they passed to his brother-in-law, William de Ferrers, Earl of Derby,

1. *Close Rolls*, 13th of Henry III. The grant is translated in full in BAINES' *Liverpool*, 98. Baines has made a useful collection of documents on the period covered in this and the next section, in pages 97-193 of his history. PICTON'S *Records* on the same period are very meagre.

2. In 1255 during the minority of Robert de Ferrers ; in 1266 on his defeat ; and in 1323-9 after the execution of Thomas of Lancaster.

3. On the effect of the transference of boroughs from the crown to baronial lordship, see Mrs. GREEN, *English Town Life*, I, cc. vii, viii. On Leicester and the effects of subjection to the Earl, Miss BATESON'S admirable introduction to the *Records of the Borough of Leicester*. During the greater part of the period Leicester and Liverpool were under the same lord.

who was already a large landowner in South-west Lancashire. The first William was succeeded by his son, a second William, in 1247, and by his grandson, Robert, in 1255. On his succession Robert de Ferrers was a minor, and his estates were administered for a time by Prince Edward, afterwards Edward I. On reaching manhood, Robert de Ferrers joined Simon de Montfort in rebellion against the misgovernment of Henry III; and the final suppression of the rebellion was followed in 1266 by the confiscation of all his estates, which were immediately granted by the king to his second son, Edmund.¹ This ends the first, which we may name the Ferrers period, of baronial ascendancy. It is marked by a singular paucity of records of the history of the borough.

It is evident that the little town must have been very completely at the mercy of its new masters, who lived close at hand, and owned a large proportion of the neighbouring territory. Their hand would press more heavily than that of a distant king, and if they chose to disregard them, the burgesses' grants of liberties would be of little avail. It is true they held the borough subject to Henry III's charter, but that would count for little; the king was not likely to interfere to protect so humble a community, especially when the profits arising from it had passed out of his hands. Even under the strict terms of the charter, the new lords of the town could exercise very ample powers. Once the fee-farm lease of 1229 expired—and it was only for four years—the lord could put in his own bailiff to collect the burgage rents and trade dues, to manage the markets, to work the mills and see that the townsmen had their corn ground at them, and to collect the profits of justice in the courts. In that case the lord's representative would preside in the Portmoot, and little would be left of the freedom of the borough.

The Ferrers earls evidently attached considerable importance to the town, for in all probability it was by them that the huge frowning castle,² with its four massive towers, was erected on the summit of the low hill overlooking the Pool; though, as we have seen, there may

1. *Patent Rolls*, 50 H. III.

2. There is a reference to expenditure on West Derby Castle in 1216, which seems to be the last reference to it. In 1296 there is 'in the manor of West Derby a certain site of an ancient castle,' then in ruins (*Inquisitio post Mortem* of Edmund of Lancaster). By that time the castle of Liverpool was in existence. It is a fair inference that the one had replaced the other. As there is no entry in the royal accounts of any expenditure on the building of Liverpool castle, this must have taken place after the king granted away the borough, that is to say, after 1229. The mention of a *castellanus* of Liverpool in 1237 (*Lanc. Inquests*, L. & C. Record Soc., xlviii, p. 27) gives us a date *before* which the castle must have been built. Its erection, therefore, in all probability belongs to the year 1229-1237, and to the lordship of William de Ferrers.

have been an earlier manor-house on the same site. This stronghold must not only have been a perpetual menace to the freedom of the humble townsmen whom it overshadowed, but its existence involved the existence of a rival to the authority of their own court. The Castle was 'outside of the liberties,' and it must have had a court of its own within its walls to deal with offences of the garrison and the like. What more likely than that such a court should claim to deal with any cases in which the interests of the lord were involved, even though they concerned free burgesses who were technically exempt from the jurisdiction of any but their own court? If we possessed detailed records of mediaeval Liverpool, we should probably hear of many conflicts of jurisdiction between the Portmoot and the Castle court; such as arose in similar circumstances in other boroughs.¹ But in any such conflicts, at this period, the burghers would be certain to get the worst of it.

The Ferrers earls, however, do not seem to have materially interfered with or curtailed the privileges of the town, but rather to have treated it very gently. In particular they appear to have renewed the fee-farm lease when it fell in. It is only the accident of the minority of Robert de Ferrers which enables us to infer this. While Prince Edward was administering the estate, a return for Liverpool appears in the royal bailiff's accounts,² from which we learn that in 1256 Liverpool was still held at farm at the old rent of £10, which is paid through Henry de Lee, royal bailiff for the Hundred of West Derby. Incidentally this entry tells us that the farm included not only burgage rents, but trade dues, and the profits of two watermills and a windmill, which must have been worked by the burgesses, or sublet by them. Although an entry for a single year out of a series of thirty-seven, even though it is one of the few years in which such an entry could be expected, is not of itself conclusive proof; yet it seems reasonable to assume from the indenture of the sum paid that the lease had been continuously held by the burgesses.

The most interesting document of the period is the new charter granted to the burgesses by Robert de Ferrers³ in 1266. This document gives no new privileges; it only recites and confirms the charters of John and Henry III. But it is significant that the Earl

1. Cf. BATESON, *Records of the Borough of Leicester*.

2. *Ministers' Accounts*, 40-41 Henry III (1094, No. 11). See Chap. II, No. 3. Also quoted by BAINES, 107. MRS. GREEN (*Eng. Town Life*, i, 270) says 'the grant of the farm was not renewed for over 100 years.' She has depended too much on Picton for her account of Liverpool, and overestimates the evils of the baronial period. See also FARRER, *Lancashire Inquests*, p. 206.

3. See Chap. I, No. 3.

should think the royal charters needed or were strengthened by his confirmation, and that the burgesses should be willing to pay for it—for we may be sure they did not get it without paying. Robert de Ferrers was at that moment on the eve of his second and fatal rebellion. He would need money, and perhaps the burgesses seized the opportunity of buying back rights which he may have infringed; or they may have thought it wise to have a grant from both sides to show, from a rebel chief as well as from the king.

With this grant the connexion of the Ferrers earls with the borough came to an end. Robert's confiscated lands passed to the king's son, Edmund, Earl of Lancaster, who received also many other estates, including the Leicester lands of Simon de Montfort, and was, until his death in 1296, probably the most powerful noble in the kingdom. His son, Thomas, who succeeded him, still further increased the power of the house by a wealthy marriage; he took the lead in the baronial risings against Edward II, and being ultimately defeated and beheaded, his lands in 1323 passed for a brief interval to the crown. The reigns of these two powerful earls form a second epoch in the history of baronial Liverpool, in which the full effects of baronial domination were felt by the town.

The burgesses now lost the farm of the town. We learn from the Enquiry into Earl Edmund's lands, made after his death, in 1298,¹ that his collectors raised for him as much as £25 per annum in place of the £10 which the burgesses had paid when they collected the dues themselves. The items of the account deserve examination. There was in the first place £8 7s. 6d. for rent of assize, or assessed rent, which must represent the rents of the burgages; 10s. for the herbage of the castle garden and the yield of the castle dovecots; 26s. 8d. for the ferry; £3 6s. 8d. for the profits of two mills; £10 for the tolls of the markets and fair; and 40s. for the fines and fees of the courts. This remarkable increase in the yield of the town was due in part, no doubt, to the growth of the town. But it is clear that the Earl was doing his best to work the town so as to yield the greatest possible

1. *Inq. p.m.*, 25 Ed. I, 51. It should be observed, however, that the very round figures mentioned under the various items in this document suggest that each had been separately 'farmed,' so that what the Earl had done had been simply to break up the 'farm' into its constituent parts and lease them separately. The £10 for tolls is especially worth noting: it remains at the same figure in 1323-7 when it is let, as will be seen, to a burgess; and this fact, taken in conjunction with the fact that the tolls were included in the lease to John del More in 1348, leads one to suspect that the burgesses (through some representative) may have farmed the tolls. See my *Fee-farm leases of Liverpool* in the *Trans. Hist. Soc. of L. and C.*

profit, both by stimulating its development, and by exacting through his agents the uttermost penny of legal dues instead of allowing the burgesses to compound with him.

Nor did Edmund of Lancaster only put an end to the fee-farm lease, though that was bad enough. The *Quo Warranto* trial of 1292,¹ to which we have already alluded, shows that he entirely disregarded the chartered liberties of the borough. On that occasion the 'bailiffs and community of the borough of Liverpool' were summoned to appear before the king's justices and show 'by what warrant' they claimed their various rights. No bailiffs came; but 'certain men of the borough came for the community,' and plaintively stated that they had been accustomed to have a bailiff of their own until Edmund of Lancaster impeded them, 'and permits them not to have a free borough, wherefore at present they do not claim the aforesaid liberties'; they 'have been accustomed to have' these liberties, but 'the aforesaid Edmund now has them,' in spite of the charters of John and Henry III, which the unfortunate burgesses produced. The timidity of their tone is significant: they do not 'at present' claim their liberties, because it is a very dangerous thing to awaken the anger of so mighty a lord. The lord's bailiff is trying the Portmoot cases,² and taking the profits, fixing the 'foreigners' fines and collecting them, levying the burgage rents, working the mills and ferry; in short, absolutely governing the town as it had been governed in the old days before the charter. Only two remnants of the liberties survive. Edmund does not force the burgesses to go to outside courts, probably because he makes as much money out of them in the borough courts; and he still allows them to be free of toll, because that brings trade, out of which he makes a profit. The court ordered 'the aforesaid Edmund' to appear 'on Monday next' and answer the claims of the burgesses; but we have no record of this second enquiry ever having taken place. Probably 'the aforesaid Edmund' was too powerful to be meddled with, and the borough was left to his tender mercies.

The features of the reign of Edmund of Lancaster are thus the destruction of self-government side by side with the energetic enforcement of the lord's rights, and the energetic development of the borough's resources so as to increase the lord's profits. Edmund's successor, Thomas, seems to have attached less value to the town, for in 1316, towards the end of his reign, he granted it, borough and

1. Placita de Quo Warranto, 381. See below, Chap. III, and BAINES, 114, 115.

2. In 1324 the lord's steward was presiding in the borough-court: Robert del Mosse is fined 'for contempt made before the steward.' FARREN, *Lancashire Court Rolls* (Record Society, xli, p. 87).

castle together, to Robert de Holland, one of his vassals, who held it for seven years.¹ How Holland treated the town, there are no records to show ; but it may be assumed that the petty baron was not more indulgent than the great prince-earl. Before the grant to Holland, Thomas of Lancaster had in 1309² made a concession, which, though of little importance to himself, marks an important step in the development of the borough. The individual holders of burgages seem to have enjoyed by custom the right of digging peats in Toxteth Park.³ Probably it was to get rid of this intrusion on the Park that the earl in 1309 granted 'to our burgesses of our town of Liverpool' six large acres of moss in the Moss Lake at the top of Brownlow Hill, 'to hold and to have . . . for ever' at the rent of one penny per annum. This was probably the first piece of land owned by the borough as a whole, the beginning of the corporation estate ; and when the borough as distinct from its individual burgesses became a landed proprietor, it had taken a great step forward in the direction of self-conscious individuality.

This was not the only allotment made in this period out of the waste land which had hitherto been used solely for pasturage. It was during the earldom of Thomas of Lancaster that a considerable enclosure was made from the waste for agricultural purposes. In the accounts rendered by the royal bailiffs after the confiscation of Thomas's lands⁴ there appears an item of '40/- for farm of Saltonessmore.' Saltonessmore was a part of the waste probably lying at the northern end of the township,⁵ and the 40/- represents the rent of lands recently enclosed there. In 1323 these lands amounted to fifty acres. As no entry under this head occurs in the Enquiry into the lands of Edmund, made immediately after his death, it is clear that the land must have been enclosed during the reign of Thomas. In 1346 the total area of the enclosed lands in Saltonessmore was fifty-four acres, divided between fifty-one free tenants holding on the average about a quarter of an acre apiece, and forty-seven tenants at will holding on the average rather less than an acre apiece. A happy fortune has preserved

1. *Inq. p.m.*, 1 Ed. III, 88. He lost Liverpool with other lands on the fall of his patron. After the accession of Edward III he petitioned Parliament for their restoration (*Parl. Rolls*, ii, 18), but seems not to have obtained them, and died soon after.

2. BAINES, 127 ; PICTON, *Records*, i, 8.

3. In the extent of 1346 'the whole community of the vill holds twelve acres of turbary in the Moss in exchange for one platt within the park of Toxteth by the charter of Thomas, late Earl of Lancaster.'

4. *Pipe Rolls* of Edward II, 16-20.

5. This is the view of Mr. W. F. Irvine. Curiously enough, though the Saltonessmore is repeatedly mentioned in the Bailiffs' Accounts, in the Extents, and in the *Court Roll* of 1324, it is never named in the Moore and Crosse deeds. From this it would appear that Saltonessmore was an official name, represented in popular use by some other name.

to us a complete list for 1346 of the tenants and the amount of their holdings, both in the burgages and old town-fields and in the recent enclosures on the Saltonsmore.¹ Among the latter a number of the holders of burgages appear ; but there are also many names not included in the list of burgage-holders. That is to say, a new class of landholders, distinct from the original burgesses, has been added to the little town community. The old fields have proved too small for the growing population, and fresh land has had to be provided for them. But there are two points about this transaction which deserve our attention. The first is, that it shows the earl acting as owner of the waste. The waste does not belong to the borough, but to the earl. He grants the acres of moss to the borough, which pays rent for it, although it lies in the borough common. He also receives rents for every patch of the recent enclosures. Clearly as yet there can be no claim to ownership of the waste on the part of the borough, though, as we shall see, such a claim was to grow up later. The second point is still more important. The tenants of the new lands would not share in the privileges granted by the charter, unless they also held burgages. They would not be subject to the Portmoot, but would have to attend a special court of the lord to whom they paid rent, if he chose to establish such a court, as we shall see reason for supposing that he did.² And even those tenants in Saltonsmore who also held burgages would have to appear before it when any questions arose affecting their holdings in Saltonsmore. Thus this period of baronial rule apparently not only saw the Portmoot pass under the control of the lord's agents, but saw also a new lord's court established for a new class of tenants—a court which would survive even when the Portmoot regained its authority.

In the same period the rank of the town was raised by the summons to return two members to the Parliament of 1295.³ Members were again elected for the Parliament of 1307, but after that date nearly two centuries and a half passed before Liverpool was again represented in the House of Commons. These two elections may be a testimony to the growing importance of the place under the stimulus of the first two Earls of Lancaster, but more probably the summonses were obtained by the earls for their private borough to serve their own purposes, and we may be very sure that the

1. Extent of the lands of Earl Henry of Lancaster, 1346, Addit. MSS, 32, 103, f. 140.

2. The existence of such a court, distinct from the portmoot, is implied in the fee-farm lease of 1394. Its revival brought about the disputes of 1415. See below, pp. 56-58. But it seems clear that the two courts were merged so long as the lord's steward held both.

3. *Parl. Rolls*, i, 39 (18). Baines, 125.

burgesses were glad enough to be relieved of the burdensome obligation of sending paid representatives to a parliament in whose proceedings they probably took the smallest interest. The right of returning members certainly was not valued; nor was it at all comparable in importance, in the eyes of the burgesses, to the privileges which they had lost.

After the execution of Thomas of Lancaster, all his lands passed into the hands of the king, by whom they were held until in 1327 they were restored to Henry, brother of the late earl. The accounts rendered by the agents of the crown of the revenues of these lands survive,¹ and being exceedingly detailed, they shed a most welcome light upon the condition of the borough.

There are still one hundred and sixty-eight burgages; of these, one hundred and sixty-seven pay the old rent of twelpence each, but one burgage lying 'before the gate of the castle' had fallen in and been regranted at the increased rent of 3s. 6d., afterwards raised to 4s. 6d. No rents are paid for the old arable fields of the town; they are evidently 'acquitted' by the burgage rents. As other deeds of this period show, these lands were freely bought and sold irrespective of the burgage to which they were originally attached, but the lord got no profit from them. From the recent enclosures on Saltonsmore a rent of £3 6s. 8d. is derived, as has been already noted; while 'the borough of the town of Liverpool' pays 1d. for the rent of the 'turbary' or peatfield granted to it in 1309. The Market and Fair tolls bring in £10, but they are 'farmed' to one Richard de Sussex, who was a burgess,² and in this may have acted for his fellows. The ferry brings in £2 16s. 8d. and is also farmed out; two mills yield £4 6s. 8d., which suggests the existence of a good deal of milling work; the castle dovecot and orchard yield 13s. 4d.; while the pleas and perquisites of the court yield a varying sum, never less than £3. From these revenues certain expenditures have to be deducted. When the king visited Liverpool (in 1325) 1s. 8d. had to be spent in mending the roof of a room in the castle for his reception. Every year the wages of a doorkeeper and a watchman, who seem to have been the sole paid servants of the castle in normal times, came to £4 11s. 0d. And there are incidental expenses now and then, such as 6s. 8d. for carting two old millstones from Orrell to set going an idle mill in Liverpool. But the net yield of the town amounted to about £30 per annum, a marked increase on the old fee-farm rent of £10. The town was obviously growing, but the

1. L.T.R. Enrolled Accounts Miscel., No. 14.

2. He appears in the burgess-roll of 1346.

presence of these inquisitorial agents, scraping up every possible penny of revenue for the royal purse, must have been vexatious enough to the burgesses.

It is to this same period that the single roll of the court of Liverpool belongs.¹ It is no more than a bald record of the fines imposed at the twelve meetings held in the year 1324-5, but an analysis of it gives instructive results. The fines imposed are chiefly for unlawful detention or debt; for trespasses; for failure to appear at the Great Court, or (after summons for a special case) at the ordinary courts; and for brewing and selling ale contrary to the assize, that is, ale of improper quality or short measure. There are also, however, several fines on admission to lands; and the instructive point is that, while some of these are for admission to burgages or lands in the old town fields, others are for admission to the new enclosures in Saltonessmore; which shows that at this date the lord's court and the borough court were merged in one. The explanation of this is to be found in the fact that the court was held by the steward of the lord. So long as this lasted, it would seem to be unnecessary for the lord to hold a special court of his own.

The revival of burghal freedom does not begin until about the year 1330, when Edward III had assumed power, and was entertaining ambitious schemes against Scotland, Ireland, and France. While Edward II had been on hostile terms with Thomas of Lancaster, Edward III worked intimately with Thomas' brother, Henry, who had regained his brother's confiscated estates in 1327; and both king and earl began to pay a good deal of attention to the town. Probably the reason was the usefulness of Liverpool as a port of embarkation for the wars in Scotland and Ireland. We have frequent notice of ships being summoned to assemble here²; on one occasion all ships between Bristol and Liverpool are ordered to be seized and brought to Liverpool to tranship the army to Ireland. This activity doubtless brought some prosperity to the little port.³ It certainly brought about a revival of self-government.

In 1333, Edward III granted a new charter,³ for which the burgesses paid ten marks. Like Robert de Ferrers' it was simply an *inspeximus* or confirmation of the previous charters, which it recited in full. But we have seen that a renewal of the old privileges was far

1. *Lancashire Court Rolls*, already referred to, Record Society, xli, 77-88.

2. E.g. in 1328 (*Cal. Close Rolls*, 1327-30, 397); in 1335 (*Ibid.*, 1333-7, 414); in 1379 (*Cal. Patent Rolls*, 1377-81, 385); in 1386 (*Ibid.*, 1385-9, 163); in 1389 (*Ibid.*, 1388-92, 134); in 1391 (*Ibid.*, 385, 405); in 1399 (*Ibid.*, 1399-1401, 164) and so forth.

3. See Chap. II, No. 4.

from being unnecessary ; and we may suppose that from this date self-government recommenced. The interference of the king in the belongings of the earl is significant. Moreover in this charter there is one new word which is full of meaning. The charter of Henry III had been granted simply to the burgesses, that of Robert de Ferrers to the burgesses and their heirs. But that of Edward III was granted to 'the burgesses, their heirs *and successors*.' The new word conveys the first glimmering of a new idea not suggested by the old phrase. The grant is no longer merely a grant of inheritable privileges to a number of individuals. It has become clear that the inheritance of individual privileges does not adequately describe the character of the town's continuous existence. And the addition of the word 'successors,' suggesting as it does a succession that is not necessarily inheritance, almost turns the charter into a recognition of the borough as a 'corporation' with perpetual succession, a corporation which may have a life independent of the lives of the individuals composing it, and may perform acts and assume responsibilities distinct from those of the individuals. The idea of the 'fictitious personality' of a corporation is as yet by no means clearly grasped. But it is struggling into existence. And the men of Liverpool had achieved the fact before the idea was formulated. They had acted as a corporation since 1309, in holding Thomas of Lancaster's gift of moss. And, more recently, they had, in 1328, received from Edward himself a 'paveage grant,' which entitled them to levy for three years certain dues over and above the ordinary customs on a large number of articles named in the grant, and to spend the proceeds in paving the town. In doing this the burgesses were not only exercising new powers, but they were doing as a corporation what they had previously done as individuals. Instead of each burgess giving his customary due of labour, the *borough*, the 'corporation,' was buying stones and paying labourers, including doubtless many of its own members, for work for the common benefit. Several such grants occurred during the reign, and they are of greater importance than appears on the surface.

But the revival of municipal liberties must remain incomplete so long as the fee-farm lease was withheld, as it continued to be until 1357. From a return made in 1348 by the bailiffs of Henry, Duke of Lancaster² (son of the Earl Henry who held sway from 1327 to 1346), it appears that the tolls, market, fair, ferry, and mills were farmed to

1. *Cal. Patent Rolls*, 1327-30, p. 231 ; renewed 1333 (*Ibid.*, 1330-4, 396), 1336 (*Ibid.*, 1334-8, 223), 1382 (*Ibid.*, 1381-5, 130), etc.

2. See below, Chap. III, No. 1.

John de la Mor,' a member of the leading Liverpool family, for £26, and it is exceedingly probable that he held the farm on behalf of the burgesses. But the rents of the burgages, which had once formed the chief item in the farm, were separately levied; as were also the profits of the courts, of the Portmoot as well as the duke's private court for the Saltonsmore tenants, if there was at this date any distinction between them. The total revenues from the town now reached the considerable figure of £39 4s. 1½d. Clearly the town was still prosperous and growing, and the burgesses were in a position to think of buying back the invaluable lease of farm.

In 1357 they obtained from the duke a grant² on a scale so much ampler than ever before that this year begins an epoch of the first importance in the history of the town. For £33 6s. 8d. per annum they obtained a lease for ten years of the 'town and lordship of Liverpool with its appurtenances,' a phrase which clearly covered the burgage rents; and in addition specific mention is made of the mills, tolls, and ferry; peatfields in the common; the perquisites of the courts; the rights of holding the assizes of bread and beer, 'and all other profits arising in the said borough,' with a few exceptions, such as forfeitures of felons' chattels and the herbage of the castle ditch. As no specific mention is made of the right of holding the lord's special court, it seems probable that it was now separated from the Portmoot, and continued to be held by the lord's bailiffs; the more so, as it is mentioned as existing in 1394. The effect of this lease was to leave the borough government supreme over the burgesses, though not yet over the non-burgesses. The moderation of the rent deserves notice. The yield of Liverpool had been larger when the duke's own agents collected the dues. But, perhaps, he was compensated by the saving in the wages of collectors.

On the same or more generous terms the lease was continued, seemingly without intermission, for no less than fifty-four years.³ It is true that no leases exist for the periods 1367-1374 and 1384-1394. But the lease for the period 1374-1384⁴ (granted by John of

1. More has thus succeeded to the 'farm' previously held by Sussex, with the addition of the ferry and mills. It seems not unlikely that there was a continuous farm held by leading townsmen on behalf of the town, though partial in character.

2. See Chap. II, No. 9. It seems probable that this lease was simply a renewal (with certain additions) of the £26 lease previously held by More, who is among the burgesses to whom the 1354 lease was granted. On this see my *Fee-farm leases*, already referred to.

3. PICTON, *Memorials*, i, 33, says that 'after the expiration of the fee-farm lease for ten years granted in 1356 (*sic*), John of Gaunt appears to have kept the revenues of the town in his own hands for some years.' Yet he quotes the lease of 1374!

4. See Chap. II, No. 10.

Gaunt, who had succeeded to the estates of his father-in-law, Duke Henry) simply renews its predecessor 'on the same terms but at two marks increase' (*i.e.*, £34 13s. 4d.); from which it follows that there had been a lease during the preceding years. And though there is no similar proof of the existence of the lost lease of 1384-1394, yet the regularity of the interval is in itself sufficient to form a reasonable presumption. The lease of 1394¹ is the most remarkable of the whole series, and is so exceptionally generous in its terms that it may be said to mark the highest point of the municipal liberties of Liverpool in the middle ages. Not only is everything granted that had been granted in the great lease of 1357, but in addition the burgesses obtain full control of all the 'common pasture between Liverpool and Toxteth,' that is practically the whole waste land of the township; the right of trying breaches of the peace, 'even although shedding of blood has been made'; and the right of punishing workmen under the statute of labourers; while those ducal rights which had been specifically excluded from the grant of 1357 are now definitely included—the right of taking the chattels of convicted felons, the herbage of the castle fosse, the seizure of wreckage coming ashore. In a word the borough government becomes sovereign within its own limits, and its courts have unlimited jurisdiction within these limits, short of the more serious crimes. It is not surprising that for privileges so extensive the burgesses undertake to pay an increased rent, £38,² which is the highest figure ever reached for the fee-farm rent of Liverpool. This great lease of John of Gaunt was granted for a period of seventeen years. It did not, therefore, expire until 1411, nearly the end of the reign of his son, Henry IV. It thus brings us to the end of the baronial period, for with the accession of Henry IV, who was at once King and Duke of Lancaster, the borough once more passed under the direct control of the crown.

The extensive powers involved in this remarkable series of leases—as important in their way as the Charter of Henry III itself, but that they were not permanent—rendered necessary a development of the governmental system of the borough, and assisted and accentuated a change which had already begun. The old simple and cumbrous machinery of Bailiffs, Portmoot, and Jurati, administering a stereotyped

1. See Chap. II, No. 11.

2. PICRON (*Memorials*, i, 36) measures the prosperity of the town by the amount paid in fee-farm rent. No doubt this forms a rough indication. But Picron fails to see that in some of the leases the burgesses receive far higher privileges than in others, and naturally pay more for them. One reason why the figure of £38 was never again reached was that the powers conferred by later leases never approached those of 1394.

and unchanging set of customs, was inadequate to the rapidly changing conditions of the borough, and still more inadequate to administer the new functions given by the lease. It is in this period that we have the first notice of the existence of a Mayor.¹ The establishment of a single chief officer, elected by, responsible to, and representing the whole burgess body not only marks a great advance in the realization of corporate unity, but an advance also in administrative efficiency. We have no definite record of the reasons for which, or the mode in which, the new office was instituted; it would appear to have been done without any special licence either from the king or the duke. But we shall not be far astray if we assume that it was intimately connected with the new powers of self-government involved in the acquisition of the fee-farm lease.² The fact that the mayoralty was in existence *before* the great lease of 1357 is an additional reason for supposing that the burgess-body had held the earlier lease of 1348. We do not know what were at first the powers of the Mayor. He began by being simply the *Major ballivus*, the chief of the two bailiffs³; but very soon an additional bailiff was appointed, and the Mayor became a distinct and quite superior officer. I suspect that this change may be dated from the grant of the lease of 1357, and was a consequence of it. When we reach the period of full records, in the sixteenth century, one of the bailiffs is called the 'Mayor's bailiff,'⁴ and is nominated by the Mayor after his election, the other bailiff being popularly elected. Now this practice at once recalls the fact that there had been in the days before the fee-farm lease a 'lord's bailiff,' who had been nominated by the lord to collect his dues, and who shared the authority of the burgesses' bailiff. And it suggests that in some sense the Mayor has taken the place of the lord of the town. The lord has hitherto played a mightily important part in the town's affairs, quite overshadowing the elected officials. When he disappears, when by granting a lease of all his rights he hands them over to the burgesses,

1. See ELTON, *Early Recorded Mayors of Liverpool*, in *Trans. Hist. Soc. L. and C.*, n.s., xviii, 119 ff. Until Mr. Elton's paper, 1356 was the accepted date for the first Mayor of Liverpool, but he has found a fairly full series from 1351. Mr. Elton thinks that William son of Adam in 1351 was not only the first recorded mayor, but the first to fill the office. But he advances no arguments in support of this view, and there is no particular reason why the mayoralty should have been instituted in that year rather than any other. I am inclined to suspect that it may date from the lease of 1348.

2. 'The election of a Mayor as a responsible person through whom the King could deal with the town was probably often connected with the settlement of the fee-farm rent.' Mrs. GREEN, *Eng. Town Life*, i, 219 n.

3. ELTON, *loc. cit.* The deed which contains the first mention of a Liverpool Mayor has for witnesses 'Willimo fil Ade tunc maiore de Lyverpull Roberto filio Mathaei tunc *alors* ballivorum *ibidem*,' i.e., the Mayor was one of the two bailiffs.

4. *Supra*, p. 23, n. 3; and Miss PLATT's *Liverpool Municipal Officers*, *Trans. Hist. Soc. L. and C.*, n.s., xix-xx, 188 ff.

he leaves a gap which must be filled ; and the Mayor is appointed to stand for him, as it were, and to perform his functions. The lord's bailiff becomes the Mayor's bailiff. The lord's court becomes the Mayor's court. And to the authority of the lord and the authority of the supreme representative of the burgess-body which are combined in him, the Mayor adds, soon, if not from the first, the authority of the king's representative : he becomes justice of the peace. The great leases of 1357 and 1394 definitely give to the burgesses—and that means to the Mayor—the right of trying breaches of the peace, 'and all other things which pertain to frank pledge, although shedding of blood has been made' ; and though this right seems rather a subject for a royal grant than for a ducal lease, at any rate it was exercised. The very important assizes of bread and beer are mayoral business also. The business of market and fair will naturally fall into the Mayor's hands. And his court, which combines so many authorities, and which is new and therefore free from the cumbrous antiquated formalities of the Portmoot, will rapidly come to be used for all ordinary judicial business. When the period of records begins the Mayor's court was the real business centre of the town ; the Portmoot had become little more than an antiquarian survival for the transaction of more or less formal business.

In English town-life of the later middle ages the vast extent of the powers exercised by the Mayor is among the most striking features.¹ He is almost omnipotent, and all the other officials of the borough are little more than his servants. He is the administrator of the property of the borough, the president of its courts, its chief judge, the regulator of its trade, the manager of its frequent co-operative trading enterprises. He is annually elected by the body of burgesses, but during his year of office the burgesses have substantially no power of controlling him. He may, indeed, be 'presented' in the Portmoot by the Jurati for offences committed during his year of office, and in the Tudor period we have several mentions of such presentments. But the Portmoot at that time only met twice a year, and little or no attention was paid to the actions of the Jurati. No doubt it took time for the older institutions of the borough to fall so completely into desuetude, and in the first century of the office it may have been necessary for the Mayor to consult the burgess-body frequently, and to follow the recommendations of the Jurati.

But it is likely that from the beginning neither the Jurati nor the

1. Mrs. GREEN, *op. cit.* i, 231 ff.

Burgess-body played so important a part in assisting, advising, or restraining the Mayor as another body, informally constituted, unmentioned in the charters, which we find active in the sixteenth century, and which probably began to organize itself in this period. In the sixteenth century, before the constitution of the Common Council, the most powerful body in the borough is the Mayor's Brethren, or the Aldermen, who sit with him on the Bench in the Mayor's Court, and advise with him on all important business. They are powerful enough to be able to disregard the presentments of the Portmoot, and they form the real governing body of the borough. They consisted of all the living ex-mayors, and, once having passed the chair, they exercised their vague and undefined powers for life. They had apparently no legal standing, except as justices in the court, nor were they subject to any public control. Their peculiar power had clearly grown up in a perfectly natural manner, without legislation.¹ As ex-mayors and justices they were the chief men of the town; they were probably also the wealthiest and most public-spirited; and they would form a body who would easily learn to act together, and whom no mayor could afford to neglect, any more than a Roman Consul could neglect the opinion of the Senate. Such influence, more or less informal, was probably exercised by the leading men of the borough from the beginning, whether they sate under the name of Mayor's Brethren or not. Even before the institution of the Mayoralty, the influence of the leading men was probably the most operative power in the borough. It has been already suggested that from an early date the circumstances would favour the control of power in the borough by a limited oligarchy of leading men, and there is evidence that such an oligarchy really controlled the borough in this critically important period. The lease of 1357 was granted, not (like Henry III's lease) vaguely to 'our men of Liverpool,' but to eight individuals who are named, including William son of Adam, John de More, William de Grenolf, and Richard de Aynesargh. The lease of 1374 was similarly granted to four individuals, including William son of Adam, Richard de Aynesargh and John de Hull; and that of 1394 to another four including Thomas

1. In some other towns, e.g., Leicester (Barnson's *Rec. of Leic.*) the Aldermen developed out of the Jurati, who gradually became a close body of ex-mayors, like the body of Aldermen in Liverpool; and it is possible that this may have been the origin of the Aldermen in Liverpool also. This view would account for the later theory (which seldom corresponded with the facts) that the Aldermen ought to be twelve in number. But in view of the fact that the Jurati continue to exist side by side with the Aldermen, and, to some extent, dispute their authority (Pictou, *Records*, i, 52) I am inclined to adhere to the view taken in the text.

del More and Robert de Derby. No doubt these men in each case acted on behalf of the burgesses. But it is significant that a group of men should so act, not being all officials. It is still more significant¹ that, of the names given above, William son of Adam was the first recorded Mayor in 1351, and is known to have held the office eleven times between 1351 and 1378; William de Grenolf was the second and John del More the third Mayor; Richard de Aynesargh was Mayor at least nine times before 1382; John de Hull twice; Thomas del More sixteen times between 1382 and 1406; and Robert de Derby seven times between 1408 and 1419. This circulation of office among a very few persons is striking enough; and the combination of the group to take the leases is still more striking. But most significant of all is the fact that the men named in the leases are individually empowered to hold the duke's court in the town. That is to say, they will sit on the bench; and already we have, in fact if not yet in form, the bench of Mayor's Brethren, the group of office-holders who practically control the town and may be said to replace the authority of the Portmoot.

The Baronial period of Liverpool history, which in its earlier years had seen the depression of the town and the abrogation of its privileges, thus closed with a highly remarkable extension of them, and with a rapid development of burghal institutions to suit the new conditions. Before it ended, however, it saw a serious attack upon one of the most cherished privileges of the burgesses, which had never been denied them even by Edmund of Lancaster. This was conveyed in a new royal charter granted by Richard II^a in 1382 for the sum of five pounds. The single feature of this charter is, that after reciting and confirming the earlier deeds, the King proceeds formally to annul one clause in them—that which forbade anyone not a member of the Merchant Gild to trade without the Gild's consent. This would have admitted 'foreigners' to trade freely so long as they paid the trade-dues from which the burgesses were exempt, and it would have placed the poorer inhabitants of the borough who were not members of the Gild in a position to compete with their more powerful neighbours. As the monopoly of trade was the most cherished right of the burgesses, it is clear that the burgess body cannot have applied for its repeal, still less paid a large sum of money to obtain it. Yet it is obvious that the destruction of this monopoly, being the only new thing in the charter, was the reason

1. For the following facts I am indebted to Mr. Elton's paper already quoted.
2. See Chap. I, No. 5.

for its issue. There are two possible explanations of this attack by the crown. It may have been intended as the carrying out of the policy of the Edwards, who were anxious to encourage foreign trade, and repeatedly aroused the indignation of the boroughs by overriding their monopolies and admitting foreign merchants freely. But Liverpool was so little a resort of merchants from abroad—'foreigners' here meaning generally Englishmen from other towns—that it is more likely that the episode should be read in connexion with the Peasants' Rising of the preceding year. That rising, which broke out simultaneously in many parts of the country, and did not leave Lancashire untouched, drew its strength from two discontented classes: the rural villeins, anxious to have their tenure improved, and the lower classes in the towns, who were not admitted to burgess or gild rights. It has already been contended that such a class must have existed in Liverpool, though there is no evidence in the scanty records. The rebels near London had demanded not only the abolition of serfdom, but the abolition of tolls and privileges in fairs and markets; and this may have been the cry in Lancashire also. It is noteworthy that John of Gaunt, whose leases gave such ample powers to the wealthier townsmen who ruled Liverpool, was the especial object of the hatred of the rebels. Now there is no allusion whatever which would lead us to suppose that the rising spread to Liverpool. But that there was some disturbance seems to be implied in the grant of the charter; there must have been some demand for the repeal of the objectionable monopoly, some attack on the power of the ruling oligarchy. And this attack may have been supported by local landowners who were not admitted to the Gild, and who found the monopoly a hindrance to the disposal of their goods in the market. Whoever were the applicants, a year or two later they would probably not have been successful: the government did not like making these concessions, but during the year following the rising they were too much alarmed not to yield many of the popular demands. So the unfortunate Mayor and Burgesses were compelled to pay a heavy price for a document which placed them in their own market almost on a level with other traders.

Thus at the opening of the fifteenth century the structure of the burghal organization exhibited a great development from the conditions created by the great charter of Henry III. The trade monopoly, which had seemed its most valuable grant, was lost, though only for a time. But the independence and powers of self-government of the town had been vastly increased; and its system of administration was

assuming a new form, a form not dictated, not even recognized, in royal charters, but which had grown up of itself, created partly perhaps in imitation of the practice of other towns, but mainly moulded by circumstance. The democratic organization of the borough had never perhaps been much more than a form ; it was now breaking down, and its place was being gradually taken by a mayoral autocracy limited and controlled by an informal oligarchy of the leading citizens. With this constitution, common in its main features to most English towns of the period, Liverpool entered upon a troublous century.

(6) The Fifteenth Century

For the English mercantile class, and for the chief English trading towns especially of the south and east, the fifteenth century was an age of rapid development.¹ Almost unaffected by the political distresses and the civil strife of the period, Lynn, Bristol, Sandwich and other vigorous trading centres began seriously to challenge the mercantile supremacy of the German cities, while the manufactures of Norwich and York began to compete with those of Flanders. With wealth came the desire for greater political power, an ambition for which the confusion of the age provided at once a justification and an opportunity ; and the fifteenth century is a period of great interest in the political development of the greater towns. But in this prosperity and growing power Liverpool had no share. She had never opened up any foreign trade ; she had no manufactures, nor had the manufacturing development of Lancashire yet begun. The disorder of the civil wars deeply affected her humble local traffic. And she was too weak and small to be able to keep without her walls, as the great towns of the south and east could do, the turmoil of war. She was the prey of baronial anarchy in one of the wildest and most turbulent corners of the country. So for Liverpool the fifteenth century was one of steady decay ; and it was not till the beginning of the seventeenth that she was able toilsomely to bring herself back to a prosperity equal to that which she had enjoyed under John of Gaunt.

Yet the century opened promisingly enough. Henry IV on ascending the throne, confirmed² in full the great lease granted by John of Gaunt in 1394, which had still eleven years to run ; and down to 1411, as the accounts of the royal bailiffs show,³ the £38 continued to be regularly paid by the burgesses without difficulty or arrears. As yet the prosperity of the town was unimpaired. Moreover, in the first year of Henry V the burgesses regained the trade monopoly, the loss of which had been the single drawback to the prosperity of the preceding period. In a new charter⁴ the king annulled the charter of Richard II by simply reciting and confirming all the charters of an earlier date, making no allusion to that of 1382 ; and the full privileges of the Gild were thus restored.

1. See Mrs. GREEN's *English Town Life in the Fifteenth Century* for evidence of this.

2. Chap. II, No. 10.

3. Duchy of Lancaster, Auditors' Accounts, Bundles 728, 729, 731.

4. See Chap. I, No. 6.

But trouble began when in 1411 the lease of 1394 expired. The burgesses seem to have desired to renew the lease on even more ample terms than before ; for it is probably to this date that we must ascribe a curious memorandum' inscribed on the back of the 1394 lease, in which Thomas de Lathom is requested to 'sue to the Counsell of the Dutchee . . . to take the Ton to ferme to as eysy a rent as hee can gett it be his gud labour' ; and to obtain, if possible, several additional powers, including the right of arrest, 'to tach a mon by his body,' and the right of holding a court under the Statute of Merchants of Edward I for the rapid settlement of trade debts—a right which had hitherto been allowed only to a limited number of the chief towns.¹ Almost certainly these applications entirely failed. There is no evidence, for example, that Liverpool held a court under the Statute of Merchants before the reign of Charles I, when the charter of 1626² confers the right in terms which certainly suggest that it was then a novelty. It is more than doubtful, indeed, if the lease of fee-farm was held at all by the burgesses during the next ten years. The evidence on the point is curiously conflicting,³ but if (as I am inclined to think) a lease was granted, it was of a far more limited kind than that of

1. Chap. II, No. 13. Also quoted in BAINES, 187, and PICRON, *Memorials*, i, 36. The memorandum is undated ; but the fact that it is on the back of the 1394 lease suggests that it referred to the renewal of that lease. On the other hand, the lease of 1443 is in the name of Thomas de Lathom. But this lease, which is couched in very general terms, contains no allusion to any of the points in the memorandum.

2. ASHLEY, *Economic History*, Part I, 204, 5.

3. See Section (8) of this Introduction ; for the charter itself, Chap. I, No. 8. The phrase in the Docquet of this charter 'A Confirmation . . . of all their ancient liberties *with an addition* of a clause for the acknowledgment of Statute Merchant' clearly suggests that the grant was a novelty in 1626.

4. In 1413 a grant of an annuity of £20 to Nichol de Atherton made in 1404 was renewed. (Chap. II, No. 15). Of the £20, £10 is to come from the revenues of West Derby and the other £10 'from the farm which the Mayor, Bailiffs and men of our Town of Liverpool pay to us yearly by the hands of our receiver.' If this stood alone, there could be no question that Liverpool was at farm in 1413—at the very time of the dispute described in the text. But the Ministers' Accounts for these years (Chap. II, No. 14) seem to contradict this inference. In the years before and after this decade, when the town was unquestionably at farm, the formula is 'Lyverpole valet ad firmam,' or 'valet ad feodifirmam,' followed by the unvarying sum of the rent. But in these years a detailed account, the total of which varies from year to year, is rendered by the royal Bailiffs. The items are usually (i) Rent and farma, £12 17s. 6d. (this is unvarying) ; (ii) Farm of mills, £2 ; (iii) Charges for repairs, salary of collector, etc., etc. (varying). Then follows the net product, which varies from £12 14s. to £14 17s.—an extremely small sum. There seem to be only two theories which would reconcile the statement of the Atherton grant with the testimony of the Bailiffs' accounts. One is that the Atherton grant simply copied its predecessor of 1404, when the lease was in existence ; the clerk not being aware that the lease had ceased. This is not probable ; for it might have invalidated Atherton's pension. The other explanation is that the lease had been broken up, the 'Mayor, Bailiffs and Burgesses' holding a partial farm (or farms) for £12 17s. 6d., while the mills were farmed separately. Even then the smallness of the yield from the town in contrast with the £38 which had been paid up till 1411 is difficult to understand ; unless we suppose, firstly, that Atherton's pension was deducted before the account was rendered (so that the amount really paid by the borough would be £22 17s. 6d., not £12 17s. 6d.) ; and, secondly, that when the crown broke up the lease it found that some of its profits were irrecoverable—merged in the common chest of the borough. The latter hypothesis would help to explain the dispute described below in the text. I conclude then, that the burgesses probably had a partial lease, falling far short of the terms of the lease of 1394.

John of Gaunt, omitting many powers which he had conceded. In particular, the right of holding the court for the tenants of the Duchy was withdrawn. For these functions officers of the Duchy again appeared in the town, after an absence of probably fifty-four years. Direct relation with the crown had thus brought loss instead of gain.

But the interference of the royal bailiffs was by no means quietly accepted by the burgesses. The vigorous spirit which had been produced by their fifty-four years of freedom from external interference was strikingly exhibited. They were far from being of the humble mind which had once led them not to 'claim these liberties at present.' They sent up a vigorous petition to the House of Commons—the first such appeal to Parliament on their part. In this curious document, after reciting (in very bad Norman French) their precious charters, they went on to assert that by this authority, and in particular by virtue of the grant of *sac* and *soc* in the Charter of Henry III, 'the said burgesses have at all times had and continued a court in the same borough, and the perquisites of the said court . . . have taken and received; until now lately that the officers and ministers of our said lord the King . . . have come, usurped, and held certain courts in the said borough, with force . . . to the great hindrance and detriment of the said borough and the disinheriting of the said burgesses, if they be not secured and aided in this present Parliament.' The petition was referred by the House to the King's Council, 'with full power to do right to the petitioners.' But the King's Council did not take the hint. For the royal officers, on the other hand, maintained that the Mayor had held the King's Courts without authority, and received his tolls and profits.² In the end the Mayor and Bailiffs were ordered to appear before the Exchequer in London, and answer for the profits of the courts and tolls taken by them during the previous years. How the dispute ended we do not know; but it is safe to assume that the burgesses lost their case, for they were clearly in the wrong. They were quite wrong in asserting that the grant of *sac* and *soc* gave them the right of receiving the profits of the courts held under the grant, for they had never received them except by virtue of a lease of *fee-farm*, and if they lost the lease, they lost the profits. But, in any case, the royal officers do not seem to have invaded the Portmoot or the Mayor's Court; if they had done so the petition would probably

1. Rot. Parl. iv, 55. See below, Chap. III.

2. BAINES, 183.

have said so. It only charges them with holding 'certain courts,' which were, doubtless, courts for duchy cases and duchy tenants in the town. Under the great lease of 1394 the burgesses had not only taken the profits of their own courts, they had also held, and taken the profits of, the ducal courts, and most likely merged them in the Mayor's Court or in the Portmoot. Thanks to their long enjoyment of the farm, they have forgotten the distinction between the rights they enjoy by charter and the wider rights they enjoy by lease of farm; they have begun to consider that not merely the privileged burgesses, but all the inhabitants of the borough, are under the jurisdiction of the burghal courts; and for this claim there was no ground in law. Regarded in this light, the dispute supplies striking evidence of the way in which burghal powers were enlarged. Under a weak or careless government these claims, not ostentatiously put forward, but quietly put in action by a petty borough in a remote part of the country, were quite likely to go by default. The government of Henry V was not weak or careless, but in the confusion of the next period the burgesses seem actually to have gained their point, for the burghal courts hold sway over all the inhabitants when the period of full records begins.

It is clear that the long tenancy of the lease had rendered difficult the full resumption of royal rights. The dispute was ultimately solved by a renewal of the lease in 1421 on modified terms¹; but the dissatisfaction of the crown is shown by the fact that the lease was in the first instance granted for only one year, pending an enquiry into the whole question. Unfortunately, there is no record of the proceedings or result of this enquiry; it would have illuminated the condition of the town at an important and obscure epoch. Perhaps it was never held, for Henry V died in the next year.

With the death of Henry V a very troublous period begins in the history of Liverpool, as in the history of England. While the great nobles disputed power, first in the court and afterwards in the field, so obscure a place was left very much to itself. It remained the property of the crown, but the crown was almost powerless to govern its own, and the borough fell under the influence of the neighbouring

1. See Chap. II, No. 16. The lease is couched in the vaguest terms. The amount of the rent is very low—only £23. It is scarcely likely that in ten years the productive power of the borough had decreased as much as is suggested by the difference between £38 and £23, especially as these had been years of good government. I suspect that the sum was fixed not in reference to the 1394 lease, but in reference to the amount paid by the burgesses during the previous ten years—£22 17s. 6d., as I have argued in the long note above. The close correspondence of the two sums seems to support the view there held. Probably separate leases of the mills were continued.

barons. It is in this period that the two great houses of South-West Lancashire, the Molyneuxes and the Stanleys,¹ who to-day own much of the soil on which Liverpool is built, first began to take an embarrassing interest in the town, and it became one of the subjects of their perpetual rivalry. By the middle of the century both were entrenched in fortresses within its limits. In 1406 the Stanleys had obtained from Henry IV a licence to build and fortify the Tower,² a fortress on the river's edge beside St. Nicholas' chapel, and rivalling the Castle in strength. The object for which it was erected was to serve as a sort of military base for the Kingdom of Man, which had been granted to Sir John Stanley in 1403³; it secured free embarkation for troops going back and forth between the island and the great Stanley estates in Lancashire and Cheshire. But it also enabled this rising house to make a bid for the control of the town itself. The Molyneuxes, who during the next two centuries were to play a still greater part than the Stanleys in the fortunes (or misfortunes) of Liverpool, were later in establishing themselves within the borough. But in 1441 Sir Richard Molyneux was appointed constable of the castle,⁴ and five years later the office was made hereditary in his family. To all intents this turned the Castle into a private stronghold, and the town lay helpless between these two formidable patrons. Their rivalry had shown itself even before the castle became a Molyneux stronghold. In 1424 the streets of Liverpool just escaped being the scene of a pitched battle⁵ between them, Thomas Stanley heading 2,000 men drawn up in the town, while Molyneux in West Derby fen had 'great congregations, rout and multitude, to the number of 1,000 men and more, arrayed in manner as to go to battle, and coming in fast towards Liverpool town.' Battle was prevented by the sheriff of the county, who ventured to arrest both combatants. But if such scenes were possible at the beginning of the reign, when authority was still tolerably respected, the events of the later period when all authority had vanished during the civil wars can only be imagined. A sheriff's officer tells the story of this

1. The Molyneuxes had held lands in West Derby Hundred since the Conquest. The first appearance of the Stanleys belongs to this period. John Stanley, second son of Sir W. Stanley of Hooton, Cheshire, married, in 1369, Isabel, heiress of Sir Thomas Lathom, lord of Knowsley and other West Derby manors.

2. *PICTON, Records*, i, 21.

3. It had belonged to the Percies, and was granted to Sir John Stanley after the Battle of Shrewsbury.

4. *PICTON, Records*, i, 22.

5. The picturesque narrative of this episode is given in BAINES, 184; *PICTON, Records*, i, 22, and *Memorials*, i, 38.

episode, but where were the sheriff's officers to observe the unrecorded frays of the period of full anarchy? Placed between two such powerful and uncontrolled barons,¹ the Mayor and burgesses were helpless indeed, as from their little thatched town-hall in the High street, which served also as gaol, warehouse, and toll-house, they looked down on the one hand to the massive embattled Tower by the wharf, and up on the other to the Castle on the hill with its four towers and its deep and wide fosse cut in the solid rock. Any real independence of action on the part of the borough, except in matters too unimportant to interest the great lords, would seem to be impossible. The crown being quite unable to keep order,² the privileges and liberties of the borough would go by the board whenever they came in conflict with the claims or convenience of these formidable neighbours.

The history of the fee-farm lease during the period supplies interesting evidence of the decay of the borough and the powerlessness of its officers. It steadily diminishes in value, to begin with. In 1422 it was yielding £23 6s. 8d.³; in 1444 it has fallen to £21; in 1454 to £17 6s. 8d; in 1461 to £14; in 1476 to £11. These figures, it is true, do not in themselves mean much, for part of the decline was due to the separate leasing of some of the rights. But there was undoubtedly a steady decline throughout the period in the yield of the town. Again, the burgesses cannot contrive to keep the lease in their own hands. They have a continuous tenancy from 1421 to 1449.⁴

1. The two houses almost divided between them the relics of crown possessions in the district. The Molyneuxes obtained, in addition to the Constablership of Liverpool Castle, the stewardship of the hundreds of West Derby and Salford, and the Forestership of Toxteth, Croxteth, and Simonswood, all lying near Liverpool. These offices were all made hereditary. The Stanleys held less of the royal authority in the immediate neighbourhood of Liverpool, and perhaps it was for that reason that the burgesses were more friendly with them than with their rivals, more formidable because closer at hand. But the Stanleys were Constables of Halton Castle, Foresters of Macclesfield, receivers of the Duchy of Lancaster, etc., and as heirs of the Lathoms held nearly as much land near Liverpool as the Molyneuxes. The main part of the Liverpool estates of the Stanleys, however, came to them in the 17th century, when they acquired the lands of the More family.

2. The impotence of the government in this district is well illustrated by the celebrated escapade of William Poole, a Liverpool man, who in 1437 carried away the wife of Sir John Butler, of Bewsey, and forced her to marry him in Bidston Church. (Pictor, *Memorials*, i, 39.) Poole belonged to a considerable family in Cheshire, and may have held the freedom of Liverpool for the sake of market-rights. The presence of burgesses of this quality would not diminish the difficulties of the borough authorities!

3. For these figures, which are taken from the Ministers' Accounts of the period, and from the surviving leases of farm, see below, Chap. II, Nos. 17 ff.

4. No leases for the period 1422 to 1444 survive; but in the Ministers' Accounts of the Duchy the annual entry varies little: *De maiore et burgensibus ibidem ut de Feodi Firma Maioris et Burgensium ibidem per litteras Domini Regis patentes sic eis concessas* £23 6s. 8d. In 1444 comes the lease of Thomas de Lathom (see Chap. II, No. 18), which from its wording might appear to be a private lease taken in his own interest. That Lathom was acting on behalf of the burgesses, to whom he doubtless immediately 'assigned' his rights, is shown by the Ministers' Accounts for the same year, in which the

But in 1449 and the following years a royal approver is collecting, and making very little out of it.' The 'approver' was Edmund Crosse, a member of one of the two chief families of the borough, who is to be much concerned with the lease at intervals for a long time to come. In 1454 the Mayor and Burgesses contrived to get the lease into their hands again,² at the low rent of £17 6s. 8d., which was, however, more than Crosse had been able to raise. But in the next year the civil war broke out, and during the three years of its raging there are no accounts at all. When Edward IV was settled on his throne, we find Crosse³ back again, this time with a farm in his own name. Once more the Mayor and Burgesses obtain the lease, in 1454, for a period of seven years.⁴ They hold it for four. Then comes the renewal of civil war after Warwick's rebellion, and no payments are made for two years. In 1471 Crosse is back again, and he and his son hold the lease continuously till 1483, or later.⁵ But the crown is not satisfied to remit the unpaid rents of the years of rebellion. Arrears of £28 are demanded,⁶ and during the whole of the remainder of the period the poverty-stricken borough is labouring to pay them off. They get Lord Stanley to help them; he pays £9, leaving £19 still due; but within five years the £19 have grown to £27 8s. 4d. The crown loses patience: in the hope of making up the loss, it cuts off various portions of the lease, the mills first, and then the ferry, letting them out separately.⁷ But this does not improve matters. The original

money is received 'de Maiore et Burgens. ibm. de feod. firma ville Litherpole dim' Thome Lathome Armig'o.' This may be, as Picton assumes it is, the lease referred to in the memorandum on the back of the 1394 lease, alluded to above; but I have given my reasons for the contrary view (p. 56, n. 1).

1. Duchy of Lancaster, Ministers' Accounts, Bundles 117 and 101. See below, Chap. II, No. 19. The detailed accounts are interesting. Each item shews a steady decline; thus in four successive years the item Perquisites of courts yields £1 16s. 7d., £1 9s. 6d., £1 2s. 10d., £1 1s. 3d. Tolls of Fairs and Markets yield £2; 'in previous years, £6 14s. 4d.' Besides these the only other items are (i) rents of burgages and tenants at will, £9 5s. 7d.; (ii) rents of two mills, £2 (generally swallowed up in repairs); (iii) Farm of the Shambles, 16s. 3d., later reduced to 15s. 8d.; (iv) Ferry, £2 0s. 8d. The total varies from £16 1s. 8d. to £16 14s. 10d.

2. Ministers' Accounts, Bundle 101. The lease does not survive, but the items of it as shewn in the accounts are identical with those enumerated in the last note.

3. M.A., 102. Crosse is called 'ballivus ibidem,' that is, royal bailiff, for he was not one of the town's bailiffs.

4. This lease was granted in the name of Robert Orrel (see below, Chap. II, No. 20). The Accounts show that he obtained it on behalf of the burgesses. It is worth noting that a new clause now appears, giving the crown the right to cancel the lease if the lessors fall into arrears. The lease was duly cancelled, four years later.

5. M.A., Bundles 102, 103, 119. The leases survive, see Chap. II, Nos. 21-3, and are clearly personal leases, not made on behalf of the borough. The rent is at first £14, but in 1476 Henry Crosse got a reduction to £11. The items are the same as before.

6. M.A., *loc. cit.*; Chap. II, No. 24.

7. Lease of mills to Leyland and More, 1471, see Chap. II, No. 25, John Davenport's lease of the Ferry, 1477, M.A., *loc. cit.* No doubt the rent of these sub-leases was paid to the lessor of the chief lease, but the interference of the crown in the grant of sub-leases is remarkable. In 1483 the ferry was granted to Robert Cook free from rent, but it does not appear how the chief lessor was compensated. The entries in the accounts are frequently more than a little obscure.

rent has to be correspondingly reduced. The lessor of the ferry himself falls hopelessly behind, for the passage over Mersey to the decaying town is being less and less used, and, £3 8s. 8d. in debt, he has to be thrown out and replaced. Nothing could give a more suggestive picture of decay and poverty. The burgesses have evidently had to abandon in despair the attempt to raise the necessary funds, though to them the lease of fee-farm was more valuable than it could be to anyone else. They are compelled to see the control of a large part of what ought to be burghal functions pass into the hands of a single family. They are compelled to permit the division and distribution of these functions, in a way which must and did make it difficult to reunite them when prosperity returned.

Yet in spite of the increasing poverty of the town, the anarchy of the period, the hopelessness of obtaining protection from the crown, and the overshadowing presence of the lords of the Castle and the Tower, there are not wanting indications that in some regards the powers and claims of the burgesses advanced during this period. They had already shown a tendency to encroach on crown rights ; now there was nobody to resist them. And perhaps it was better to have two barons in the town than one : for one could be played off against the other. The Molyneuxes were the more dangerous of the two houses ; therefore the burgesses tended to place themselves under the protection of the Stanleys. The close relation between this family and the burgess body which has been for four centuries a feature of Liverpool history, began in this age : we have already seen an instance of it, when Lord Stanley became surety for the arrears of the fee-farm rent in 1471. But it was the obscurity of the borough which formed its chief strength. When crowns and great dominions were being fought for, the insignificant usurpations of a petty and decaying borough passed unregarded.

It is probably to this period that we must attribute the definite establishment of the jurisdiction of the burghal courts and officers over the whole population of the borough outside of the Castle and the Tower. This was the main question which had been in dispute in 1413. But if Henry V had been unable to enforce the royal claim to hold separate courts in the town, it is not likely that anyone troubled to do so during the reign of his successor. The long occupancy of the fee-farm by the burgesses from 1421 to 1449 gave time for the controversy of 1413 to be forgotten, and the royal courts to be merged with the borough courts. Even when the lease was lost, the crown was represented, as we have seen, by the Crosses, first as royal bailiffs,

then as lessors. The Crosses were a Liverpool family¹, and occasionally held the mayoralty²; and though they did not identify themselves so completely with the burgesses as the Mores, their rivals, they may have shared the point of view of the borough. From 1450 to 1454 Edmund Crosse's accounts as royal approver include payments for perquisites of courts, but he was probably content to collect the modest profits, and suffer the courts, royal or ducal as well as burghal, to be held by the Mayor. When the period comes to an end, the distinction, already becoming vague in 1413, had been finally lost, and the borough officers, however weak they might be, at any rate exercised an unquestioned authority over the whole population of the town.

But the most noteworthy of these humble extensions of power is to be found in the gradual development of a claim on the part of the burgesses to a sort of lordship over the land of the borough. The borough has become 'lord' of at least one house in the town, and probably more; for in 1432 we find the parson granting to Richard de Crosse³ a messuage in Dale Street to be held by him on an annual payment to the parson and his heirs, 'and also to the mayor and community of the town of Lyverpull 3s. of silver at Christmas and Michaelmas *for all services*.' How the mayor and community got possession of this 'messuage in Dale Street' there is no saying. They may, of course, have bought it; but it is not very likely that they had money for such investments. On the other hand, they may have begun to claim to take the place of the crown as lord of the town lands, and entered into possession when the messuage escheated through lack of heirs; the lease of 1394 had included the right to such escheats, but had made no provision for them after the expiry of the lease. This view is supported by what we find later. In 1523 part of the borough revenue is derived from the rents of patches of the common land⁴ (the waste, that is, on the further side of the pool) which had been let to individuals, and probably enclosed by them. Now, the lordship of this common land had undoubtedly been regarded as crown or duchy

1. Their house, Crosse Hall in Dale Street, rivalled the Old Hall of the Mores. Considering the importance of the family—the deeds relating to their estates are numerous and of great antiquarian value—surprisingly little is known about them. The first of the Liverpool Crosses came from Wigan early in the fifteenth century; his mother, Katharine, had been the widow of William son of Adam, first recorded Mayor of Liverpool, and lessor of one of the mills; and after the death of Katharine's second husband, her son Richard Crosse succeeded to the lands of her first husband. ELTON, *King's Mills of Liverpool* in BENNETT and ELTON's *History of Corn-Milling*, iv, 140.

2. In 1409, 1414, 1459, 1469 at least.

3. Crosse deeds. Quoted in BAINES, 191.

4. PICTON, *Records*, i, 65.

property before the fifteenth century. It had been exercised by the Earls of Lancaster¹; it had not even been given in any of the early leases of farm. Not until the great lease of 1394, which gave everything, did the burgesses obtain control of the common. In later leases there is no mention of the common; but, on the other hand, there is no record of payments on account of it by the royal bailiffs or approvers. If in 1523 the fee-farm lease had been in the hands of the borough we might have supposed that it was by virtue of the lease that rents for the common were being paid to the Mayor. But the fee-farm lease in 1523 was not in the hands of the borough; it was held by David ap Griffith,² a retainer of Henry VII, who, although he occupied for one year the office of Mayor,³ certainly held the lease as a private individual. The control of the common-lands by the borough is, therefore, quite independent of the fee-farm lease. Nor has it been acquired by special grant, for a deed so valuable would have been carefully preserved. It has been quietly annexed, in all probability during the period of anarchy when the crown was unable to assert its claims.

Underlying this ownership of lands there is a very interesting and important claim. The Mayor and Burgesses are in substance claiming to be Lords of the Manor of the town. In an ordinary rural manor with a single lord, the lord who holds the courts also draws the rents; governs the community; is the owner of the waste lands, though the tenants are allowed to pasture their cattle on the waste; and if a tenant dies heirless it is to the lord of the manor that his lands 'escheat.' Now when a town is turned into a fully self-governing borough the king does something not unlike the creation of a manor. The burgesses of such a borough govern themselves, and they hold the courts which correspond to manorial courts. Are they then lords of the manor? That is a question which could not arise in the first stage of the town's history, because neither the king nor the burgesses themselves could conceive of the loose and almost unorganized body of privileged burgesses as a 'lord,' as being in any sense an individual. But since the borough has learnt to regard itself as a corporation, capable of holding property, capable of suing and being sued in the law-courts, with a single head in the Mayor to represent it; since, in short, the group of individuals has become a 'fictitious person,' the question has changed. The borough may act, and in some respects does act, as lord of the manor; and, without very definitely formulating this theory, it proceeds

1. See above, p. 43.

2. See Chap. II, No. 26.

3. In 1503.

wherever it is possible to carry it out. But there are difficulties in the way of the theory. What of the extensive crown-rights which are included in the farm-lease? If the burgesses had really possessed the powers of a lord of a manor, no such grant of rights would be necessary. This would present no difficulties if the farm-lease had been granted to the burgesses in perpetuity, as it was granted to some boroughs, for then the farm-rent would seem like a mere rent-charge on the manorial rights. But in Liverpool the farm-lease had sometimes been granted and sometimes not; the amount of the rent had varied greatly; and on the accession of Henry VII the lease passed altogether out of the hands of the burgesses for nearly two hundred years. Again, the crown or the duchy had undoubtedly claimed that lands within the borough escheated to it when heirs failed¹; and had received such escheats. The crown, too, had undoubtedly claimed and exercised control over the common-lands.

The position therefore was anomalous, and in strict law there was not much to be said in favour of the borough's right to act as lord of the manor. But the long continuous tenure of the farm-lease, which confused royal rights and borough-rights, both being exercised by the same officials; and still more the confusion of the period of civil war, made it possible for the burgesses to assume quietly much that the crown would never have admitted to belong to them. In the management of the common-lands this was easy. By ancient usage, the burgesses employ these lands for pasture. If they agree to let one of their number enclose a patch, and exact a rent for the permission, there is no one to say them nay. They quietly act as if they were the owners. And when the troubles are over, and the crown is once more strong enough to exercise its rights, a claim has been established by long precedent; a claim which the obscurity and difficulty of the whole question make it difficult to withstand. The holders of the farm-lease are not enough of antiquaries to realize that their rights have been diminished. Thus it comes about that in the seventeenth century, the burgesses were able to enforce their claim even against the Molyneuxes²; though that powerful family held the castle, leased the town-farm, and in addition had purchased all the royal rights, they were compelled to recognize that the Mayor and Burgesses were the owners of the waste;

1. In the return of the bailiffs of 1348 already quoted, the duke has 'three parts of a burgage and five sellions of land, which came into possession of our lord by the death of John le Botiller, a bastard.' On the whole question of the right of escheat and the ownership of common land in boroughs, see Maitland, *Township and Borough*, pp. 185-190.

2. See below, section (8) of this Introduction.

the whole question being so complicated that the long exercise of this power by the burgesses was enough to turn the scale in their favour. The estate which was thus 'usurped' by the burgesses was of little value at that date. It now brings in an enormous annual revenue. And it seems quite certain that it was in this period of anarchy, when the borough reached its lowest point of poverty, and its officers were powerless against the two baronial houses fortified in the town, that these valuable rights were annexed.

(7) The Age of the Tudors

In the first three centuries of Liverpool history investigation is baffled by the extreme scantiness of the records, but in the sixteenth century that difficulty disappears. In 1551 the regular series of town records begins.¹ From that date onward, though sometimes intermittent, they are not only abundant, but are often written with a vivid pen, and shew nothing of the baldness which might be expected from official minutes. To the first volume of records there is, moreover, prefixed a copy of what are called the 'Elder Precedences,' a statement of the customs of the town in 1525, which is of great value.² Even before 1525 material is more abundant than has hitherto been the case. At the very opening of the new age, at the moment of transition from the Middle Age to the modern epoch, a brief but valuable document survives which gives a useful summary of the powers which the burgesses had acquired, either by charter or by prescription, before the end of the Fifteenth Century. It is a writ of *quo warranto*,³ issued by Henry VII in 1498, and ordering the Mayor, bailiffs, and burgesses to appear before the royal justices and shew their warrant for the powers which they were exercising, and which the writ enumerates. Unfortunately for the historical enquirer, though fortunately for the burgesses, the enquiry does not seem to have been held; perhaps because Liverpool was too poor to afford much opportunity for the exactions which were doubtless the reason for the issue of this writ, one of a numerous group of the same period. But the document shews that the burgesses were exercising two rights at least about which we should have been somewhat doubtful had it not existed. They were holding the assizes of bread and beer, and punishing infractions of these assizes with pillory and tumbrel: a power which had been conferred by the great fee-farm leases of the fourteenth century, but is never mentioned in the fifteenth. They were also exercising the power of arrest, for which they had asked in 1411⁴ as for a new power, though we have no record

1. PICTON's two volumes of *Liverpool Municipal Records* consist of extracts from the town archives for this and the following periods, and contain much useful material. But they are badly selected and badly arranged; the index is worthless, and gross blunders are frequent. I have fortunately been able to make use of Miss PLATT's much fuller transcripts, which I hope may soon be published *in extenso*; some selections from them have been already published in the *Trans. Hist. Soc. L. and C.*, N.S., xix-xx, 90-106 and 188-208. I give references to these under the abbreviation '*Pl. Extracts*.' But, as references to Miss PLATT's transcripts other than these cannot be given, I have given references to PICTON's *Records* wherever possible, under the abbreviation 'P.R.' 'P.M.' stands for the same author's '*Memorials of Liverpool*.'

2. It claims to have been 'drawn out' in 1541 from still older 'precedences.' P.R., i, 30.

3. Printed in Chap. III. PICTON has overlooked this document.

4. See p. 56.

of their having received it; and they seemingly possessed a special officer, a Serjeant-at-Mace, *serviens ad clavum*, to make arrests. Brief and slight as it is, this writ bears out the view maintained in the last section, that in spite of the poverty and decay of the Fifteenth Century the burgesses had acquired in that age several new powers, and entered on the new age with an administrative and legal system much more highly developed than the bare text of their charters would entitle us to suppose. A little later, in 1524, a lease granted by the burgesses to Sir William Molyneux,¹ their powerful neighbour, shews that they were exercising without challenge the lordship over the waste, of which something has already been said. And a commission of enquiry² into the causes of the small yield of the royal dues in the port, issued by Henry VIII in 1533, shews that the borough had not forgotten the use of their oldest chartered rights; since it suggests that the reason for the smallness of the dues was to be found in the too-ready admission of 'foreigners' as Freemen by the Mayor and burgesses. Having lost the right to levy the dues themselves when they lost the fee-farm lease, it is evident that the burgesses had been recouping themselves by taking payments from the 'foreigners' for the right to be free from royal dues which the charter of Henry III gave to freemen of the Gild.

The Tudor period, which brought peace and order after the chaos of the previous century, was an age of growing prosperity in England, but in that prosperity Liverpool had little share. It is numbered among the 'decayed boroughs' in 1544,³ and its population seems then to have been less than it was two hundred years before.⁴ As late as 1578⁵ it was contemptuously excused from submission to the monopoly of the Spanish Trading Company on the ground that it had few merchants, and these engaged only in small retail trade. Nevertheless, the history of the fee-farm lease shows that the town steadily, if slowly, advanced during the period. Not that the net yield of the farm to the Crown increased, for it had become fixed rigidly at £14 6s. 8d.⁶ But there are no more arrears; the lessees instead of being beggared can be shown to have made handsome profits out of

1. Croxteth Deeds. Quoted in BAINES, 202. The rental of the borough for the same year shows that the borough derived 7s. 6d. from small rents of patches of land in the waste. P.R., i, 65.

2. Printed in Chap. III. P.R., i, 25.

3. P.M., i, 54. A petition to the Queen in 1566 describes the town as 'your grace's decayed town of Liverpool'. *Ibid.*, 65.

4. In November, 1565, there were only 138 inhabited houses. *Ibid.*, 64. In 1346, 185 heads of families, presumably householders, can be counted.

5. P.R., i, 45.

6. £14 up to 1537; then invariably £14 6s. 8d., '£14 for the ancient rent and 6s. 8d. for the new increase.' In addition £2 was paid for two mills outside the borough, which were held by the lessees of the farm throughout this period.

the lease, and that means that the fortunes of the town were looking up. Moreover, it is coming out of its isolation. In 1547 it again returned two members to parliament,¹ a privilege it had not enjoyed since 1307. One at least of the Liverpool members in the sixteenth century was a man of high distinction—Francis Bacon; though he sat for Liverpool only for one brief session,² and there is no evidence that he ever visited his constituents. But the humble position of the town is shown by the use which they made of their right of election. They never dreamt of choosing freely. The regular practice was to invite Lord Derby to nominate one of the members, while the writ for the other was returned blank to the Chancellor of the Duchy, so that he might fill it in with a name of his own.³ Doubtless the Chancellor acted on behalf of the Crown, and the practice helps to explain the remarkable subservience of the Tudor parliaments. But all this means that the burgesses are still under tutelage; still very dependent on the great noble houses of their vicinity. The Molyneuxes, Constables of the Castle, owners of the tithe due to Walton Church,⁴ and continuous lessees of the fee-farm from 1537, were almost masters of the town; consequently the burgesses were generally on bad terms with them. Their special protector was Lord Derby, who is described by Walsingham in 1581 as the ‘patron of the poor decayed town of Liverpool,’ and to whose aid they appealed whenever they found themselves in difficulties—and they were, as we shall see, pretty frequently in difficulties during this period. The reverence with which the chronicler speaks of my lord, the enthusiasm with which the town’s scanty funds were lavished on banquets and fireworks to greet him on his occasional visits,⁵ speak eloquently of the complete subservience of the little borough to its great patron.

As in the preceding periods it is from the history of the fee-farm lease that we get most enlightenment as to the history of the municipal institutions, for with it are connected most of the more important constitutional issues of the period. We have seen that the lease passed definitely out of the hands of the burgesses in 1471.⁷ Throughout

1. *Return of Members of Parl.*, 1213-1702, App. xxxi. 2. Nov. to March, 1588-9. *Ibid.*, 423.

3. *Pl. Extracts*, 103-6, gives the best account of the electoral methods of the period. In P.M., i, 62 ff, an account is given of an amusing difficulty in 1562, caused by the election to one of the seats of the son of Sir Richard Molyneux to celebrate the reconciliation of the borough with the Molyneuxes. This left nothing for the Chancellor, who was very angry at the neglect of his ‘right.’ BAINES, 226, gives a fuller account.

4. They had bought the patronage of Walton Church, to which Liverpool tithed, from the monastery of St. Peter and St. Paul, Shrewsbury. BAINES, 202, 204. The barn in which the tithes were stored, built on a part of the waste leased from the borough by Sir W. Molyneux, gave its name to Tithebarn Street.

5. P.R., i, 44.

6. *Ibid.*, 49, 50.

7. *Supra*, p. 61.

this period they did not regain it. In 1487 Henry VII granted it for seven years to David ap Griffith,¹ who is said to have been a Welsh retainer of the king. Griffith got it twice renewed² in his own name for the same period, and in 1505 for twenty-one years³ in the names of himself, his wife, and his son. After his death, his wife, Alice Griffith, and one Henry Akers, who may have been her son-in-law, obtained in 1525 a renewal for twenty-one years,⁴ extended four years later for a further twenty.⁵ This was the longest occupancy in a single family which had yet been seen, and introduced a dangerous power into the town. But, like the Crosses who preceded them, the Griffiths seem to some extent to have identified themselves with the town, for David ap Griffith was Mayor in 1503.⁶ They were not wealthy or powerful people, and they may have allowed the town officers to collect the dues for them. A lease of 1530⁷ survives in which Henry Akers granted to the burgesses for £10 the right of collecting all the dues except the profits of the two mills outside of the borough, and of keeping half of them; and it is possible that this was a continuance of an earlier arrangement.⁸ At any rate, there is no record of disputes with regard to the lease like those which arose later, and it is probable that under the Griffiths as under the Crosses the burgesses were permitted to continue as sub-lessees the exercise of the powers they had so long enjoyed.

But in 1537 a very serious change took place. The Griffiths' lease had seemingly fallen in either by death or forfeiture, while the term of their sub-lease to the burgesses had just expired.⁹ The lease was therefore granted for a term of twenty-one years¹⁰ to Thomas Holcroft, a member of a considerable Lancashire family and a royal agent for the district.¹¹ In the following year Holcroft sub-let the remainder of his term to Sir William Molyneux,¹² and from this date the Molyneux tenure of the lease continues uninterrupted until 1777. In 1546 Holcroft surrendered his lease in order that Sir William Molyneux might have

1. Chap. II, No. 29.

2. In 1495 and 1501. The 1495 lease does not survive. For the 1501 lease see Chap. II, No. 30.

3. Chap. II, No. 31.

4. Chap. II, No. 32.

5. Chap. II, No. 33.

6. P.M., i, 45.

7. Chap. II, No. 34.

8. On the other hand, the date suggests the possibility of another interpretation. In 1530 Akers petitioned the crown (See Chap. III) for protection against sundry burgesses who were undermining his rights by working a ferry to Runcorn, and a royal commission of the same date forbids any but the farmer to work a ferry. It may be that Akers granted his sub-lease to the corporation simply as a means of enlisting the borough government against the poachers. But the stress which the burgesses laid on their sub-lease in the course of the later struggle with Molyneux (see p. 75) is only intelligible on the hypothesis that the sub-lease had been held for a long period, long enough to make it arguable that it gave a right by prescription.

9. The sub-lease was for six years, and expired in 1536.

10. Chap. II, No. 37.

11. In 1556, ten years after his own lease had been surrendered, the Ministers' Accounts represent him as paying in the rent as 'Receiver,' from Molyneux, who is described as 'Farmer.'

12. Chap. II, No. 38.

it regranted in his own and his son's name for twenty-one years.¹ In 1555 Sir Richard Molyneux and his son got a new lease for forty-one years,² which was renewed for thirty-one years in 1586,³ and for an additional forty-one in 1603.⁴ Twenty-five years later, as we shall see,⁵ his occupancy became permanent. Now this was a very serious blow to the liberties of the borough, for the tenure of the lease by the Molyneuxes, who were already so powerful, was a very different thing from its tenure by the Crosses or the Griffiths. It put the borough at their mercy, and there was serious reason to fear that they would attack the powers which the burgesses had long been tacitly permitted to exercise without any formal grant to shew for them. At first, indeed, Sir William Molyneux used his power moderately. He was content to take what previous farmers had received. In 1539 he sublet to the Mayor and burgesses for £10 one-half of the farm,⁶ excluding the two outside mills, and though nothing is said on the point in the lease, it is likely that the borough officers continued to collect all the dues as under the Akers lease, of which this was probably a renewal. In 1546 he let the other half⁷ for £8 to Edward Gee, a leading merchant of both Liverpool and Chester, who held the mayoralty in both towns; and until 1553 things went smoothly enough.⁸ But at the time of the new lease which Sir Richard Molyneux obtained in the first year of Mary, he seems to have been on bad terms with the burgesses, or to have imagined that there was more to be made out of the farm than the £18 which he received from the sub-leases, both of which had now expired; accordingly he put in officers of his own to collect the dues. At once a violent quarrel broke out, in which the burgesses maintained what they conceived to be their rights with great spirit. When Hugh Dawbye, on behalf of Molyneux, collected the toll-corn in the market from 'foreign traders,'⁹ the Mayor, Thomas More, arrested and imprisoned him; for this, on going up to London to plead the burgesses' case, he was imprisoned in the Fleet, and only

1. Chap. II, No. 40.

2. Chap. II, No. 43.

3. Chap. II, No. 45.

4. Chap. II, No. 46.

5. Below, p. 95.

6. Chap. II, No. 39.

7. Chap. II, No. 41.

8. A difficult question arises in connexion with the lease of James Bedyll, granted in 1552 for 31 years, to which no allusion is made by either Baines or Picton, and which is now printed for the first time (Chap. II, No. 42). This lease refers to the lease of Holcroft, which it describes as having expired, but makes no allusion to the Molyneux lease of 1545 which replaced it, and which this lease overrides. The explanation probably is that Molyneux, a Catholic, was out of favour at the court of Edward VI, and that an attack was being made upon him. Hence the necessity for the renewal of the Molyneux lease in 1553 (the first of Mary, when Catholics were in favour again) in spite of the fact that the term of the grant of 1545 had not yet expired. Liverpool was a Protestant town. If we suppose the burgesses to have recognized Bedyll's lease, and perhaps taken a sub-lease from him (they would regard any leasee as better than the Molyneuxes) the quarrel between them and Molyneux when his control was restored becomes easy to understand. He would want to punish them.

9. See the excerpt from the judicial proceedings of the Duchy Court, in Chap. III.

released on making a full apology.¹ When other Molyneux officers ventured to collect the tolls of the cattle-fair, the burgesses in Portmoot fined the Bailiffs for permitting them to do so.² They persisted in collecting the dues themselves, and in holding courts to punish non-payment. They taxed themselves to send envoys to London to obtain a settlement.³ And when the crisis came they chose as their Mayor one of the wealthiest of the neighbouring gentry—Sir William Norris, of Speke, who, being a Catholic, was likely to be listened to at the court of Queen Mary—in the hope of outweighing the Molyneux interest. At length, in 1556, the whole question was tried by the Chancellor of the Duchy of Lancaster,⁴ who decided on all heads in favour of Sir Richard Molyneux. His comprehensive award was that ‘all and singular the profits of the custom, arising and coming by any mean within the said lordship, as well by all freemen of the same town, as also by all foreigners,’ belonged to the crown, and should be paid to the crown’s representative, the holder of the fee-farm lease; ‘and also the profits of the stallage, passage, anchorage, quay-toll, profits of fairs and markets , as also all and singular other profits, whatsoever they be, belonging to or in any wise appertaining to the said town of Liverpool.’ Even this judgment does not seem to have satisfied the burgesses, who saw the control of their trade passing into the hands of their too-powerful neighbour; and the dispute was only settled by the intercession of the steady friend of the borough, Lord Strange (eldest son of Lord Derby), who, with the clerk of the Duchy Court which had given the award, persuaded Sir Richard, now that he had gained his point, to grant a sub-lease to the burgesses of all his rights except the profits of the mills.⁵ This sub-lease, however, was only for one year, annually renewable, and could be at any moment terminated by Molyneux. In the reign of Elizabeth the disputes seem to have broken out again, and the burgesses again claimed to have a right to certain of the dues; for in 1592 the Lord High Admiral found it necessary to send down two commissioners⁶ to investigate the question. The commissioners enumerated a number of dues which the burgesses had been collecting, and peremptorily forbade them ‘to receive any duties or demands for any of the things aforesaid.’

1. BAINES, 211.

2. P.R., i, 58. Picton gives an extremely inadequate account of this very important struggle in his *Records*. He clearly did not understand it. His *Memorials* are equally unsatisfactory (i, 57). BAINES, 211, is better, but still inadequate.

3. P.R., i, 68.

4. See Chap. III; BAINES, 211.

5. Chap. II, No. 44.

6. See Chap. III. P.R., i, 70.

The questions involved in these disputes are of great constitutional interest, but they are not easy to understand. It is necessary to examine them with some care, and in the first place to be quite clear as to the precise powers conveyed in this period by the lease of fee-farm. These are defined in each lease of the series with apparently minute care, and they differ substantially from the powers given in 1394, following rather the model of the fifteenth century leases. They include in the first place 'the town and lordship with the appurtenances.' How much is covered by this vague phrase it is hard to say. But it seems clear that it covered the rents of the burgages, for in the seventeenth century the whole amount of the rent paid by the Molyneuxes under the terms of these leases is repeatedly described as the 'burgage rents' or the 'burgage and chantry rents.' The chantry rents were the rents of lands set apart for the endowment of perpetual prayers for the souls of the founders of the four chantries in the Chapel of St. Nicholas. They were confiscated by the crown at the end of the reign of Henry VIII, and the greater part of them were sold²; the small remnants of land which remained in the hands of the crown seem to have been included in the fee-farm lease; but in any case the chantry rents formed an insignificant item. More important were the burgage rents. In 1533 (before the suppression of the chantries) the lands of Henry VIII in Liverpool,³ including the burgages and other miscellaneous properties, amounted to £10 1s. 4d. These rents thus form the first and largest item in the farm-rent. The second item in the general grant of 'town and lordship' consists of the royal mills within the borough. These were two in number, the Eastham Mill and the Townsend Mill; a third, the Middle Mill, was held from about 1557 by the family of Crosse direct from the crown, seemingly paying no rent to the lessee of the fee-farm.⁴ One would expect that a lease of 'lordship' would also cover the right of receiving escheated

1. After Molyneux purchased the lordship in 1628 it was a subject of dispute between the burgesses and him whether their farm of £20 ought to include 'the burgage rents' or not. This meant the annual charge of £14 6s. 8d. with which the lordship was burdened under the terms of the sale, and which simply represents the old fee-farm rent. P.R., i, 132. See Section (8) of this Introduction, esp. p. 94.

2. For list of the chantry lands and their purchasers, see GREGSON'S *Fragments*, Appendix lxii-lxiv.

3. The King's Rentally of Liverpool, printed in GREGSON'S *Fragments*, Appendix lxv. BAINES, 203, gives a full abstract; P.R., i, 26, a slight summary.

4. *Inq. p.m.*, 4-5 P. and M., quoted by BENNETT and ELTON, *History of Corn Milling*, iv, 144. Mr. ELTON thinks (*Ibid.*, 143) that in 1541 the burgesses controlled the two town mills, but the passages which he quotes from the records do not prove his point; they only show that the Portmoot claimed the right of regulating the charges levied by the millers, and not that of receiving them. The whole subject of the mills in this period is exceedingly obscure and difficult; largely because the manorial milling rights were breaking down. The lord, or his agent the lessee, found it difficult to enforce his monopoly, and in 1557 Molyneux had to obtain from the crown an order for the suppression of illicit mills. But it is perfectly clear that (with the possible exception of the Middle Mill) the mills within the borough were included in the 'lordship' and therefore in the fee-farm lease.

lands on the failure of heirs ; but this right, as also the forfeiture of the property of convicted felons,¹ seems to have been claimed and exercised by the burgesses : probably these are among the powers quietly annexed by them during their tenure of the lease, or in the period of confusion. The first element in the lease, then—the ‘town and lordship’—is vaguely enough phrased to give ground for disputes as to its meaning, and for large claims by the lessee. The next item is two additional mills outside of the borough, Acres Mill and Wavertree Mill, which had been worked in connexion with the borough since 1471, but were quite distinct from the main grant, for they were paid for separately, 20s. apiece. The next item is ‘a boat and the passage over the Mersey.’ This clearly suggests that the lessee held a monopoly of the ferry. Yet we find the burgesses in 1566 working a ferry-boat,² and granting exemption from payment of fares to freemen, and later they claim the right of ferry in spite of the lease.³ In 1487, when David ap Griffith obtained his first lease, Richard Cook also held a grant of the ferry for £3 per annum.⁴ Is it possible that there were two rights of ferry, and that the burgesses had quietly continued the Cook ferry side by side with the Griffith ferry ? Here again is ground for dispute. The next item is ‘the butchers’ shambles,’ about which there could be no doubt ; followed by the ‘stallage and toll of the markets and fairs.’ Stallage or stall-rent is clear enough, but as we have seen, on tolls war was waged. Next comes ‘the perquisites of the courts,’ but we are not told what courts, and the common chest certainly received many if not all of the fines imposed in the Portmoot and the Mayor’s Court. Finally, there are the ‘customs and anchorage or key-toll of the water of the Mersey within the lordship of Liverpool.’ The anchorage or key-toll is the payment for anchoring or coming to the wharf ; but what is included in the customs ? This was another question on which lessee and burgesses differed. If the terms of these leases are compared with that of 1394, several striking differences emerge. The 1394 lease definitely conferred control over the waste land, the right of receiving escheats, the right of holding the duchy courts, the right of holding the assize of bread and beer. None of these things is in the lease of

1. P.R., i, 127, 128.

2. P.R., i, 35.

3. P.R., i, 133.

4. See Chap. II, No. 28. It is true that Griffith’s first lease (Chap. II, No. 29) contains no specific mention of the ferry, while his second, granted after the expiry of Cook’s term, does. But he pays the same for the second as for the first, and Henry VII was not the man to give additional privileges without exacting additional payment. Is it possible that the Farm ferry was the ferry to Birkenhead, while the Cook ferry was a ferry to Runcorn ? This is suggested by the dispute of 1530 (see Chap. III), when it was an illicit ferry to Runcorn which Akers complained of ; he may have been trying to obtain a monopoly of ferry-rights. The Priory of Birkenhead since 1318, and, after the suppression of the monasteries, the lord of the Manor of Birkenhead, had a right of ferry over the Mersey. But that was from the Cheshire side.

1555, though they might be held to be included under the general head of 'lordship.' But they are all being exercised by the burgesses without payment, and some of them without dispute. In spite, therefore, of the apparent preciseness of the lease it afforded ample ground for controversy.

With regard to the tolls and the customs, however, on which the quarrel mainly turned in 1555, it is at first sight difficult to understand on what ground the burgesses claimed the right to collect these dues or any part of them, since they were so definitely included, not only in the leases of that date, but in all their predecessors since 1357. They supported their claim on the vague phrases of the old charters, and they seem to have tried to make something also out of the fact that they had held a sub-lease from the Griffiths, whose chief lease, if they had lived, would have lasted till 1567. The latter plea was absolutely worthless, since the burgesses' sub-lease had expired in the same year in which Sir William Molyneux obtained the chief lease. The whole question is very obscure, and perhaps was in some ways just as obscure to the burgesses themselves as it is to us. An analysis of the various kinds of dues which were paid may clear the issue.

In the first place there were royal or national customs payable on goods brought from abroad. From these dues the Liverpool men were not exempt by their charters, but they seem never to have paid them (probably because their foreign trade was so small that they were not worth collecting) until tonnage and poundage began to be collected here in the reign of Elizabeth.¹ These customs therefore are not involved in the dispute.

In the second place, there were what may be called 'lordship' dues, levied by the earl, the king, or whoever happened to be lord or the town. These would include stall-rent in the market, anchorage or quay-toll, and tolls on sales in market and fair. All burgesses or Freemen were exempt from these dues in virtue of the charters; but all such dues paid by 'foreigners' went to the king as lord of the town, or to whoever 'farmed' the town from him. Sir Richard Molyneux had an unquestionable right to them.

But in the third place, in the exercise of their powers as a Gild Merchant, the burgesses certainly levied still further dues. As regulators of trade they would charge dues for testing the quality and weight of goods submitted for trade. For the upkeep of the wharves they probably charged wharfage over and above the lord's quay-toll.

1. P.R., i, 47; P.M., i, 65.

They certainly charged hallage, for storing goods in the common hall.¹ Several of the dues enumerated by the commissioners of the admiralty in 1592,² such as 'lading, measuring, weighing wharfage,' etc., seem to fall under this head. They would probably be payable by freemen as well as 'foreigners.' Again, in exercising their right of imposing the conditions on which 'foreigners' might trade in the town, they imposed other dues on 'foreigners' over and above what we have called the lordship dues. Thus we find them imposing and remitting a duty of one penny per stone on all wool imported by 'foreigners.'³ None of these dues would rightly fall under the fee-farm or be collectable by the holder of the fee-farm lease. They were the property of the freemen, collectable by the customers appointed by the freemen. But during the long period when the burgesses had either held the lease themselves, or collected the dues as they had done for the Crosses and Griffiths, and at first for the Molyneuxes themselves, the distinction between the two classes of dues, lordship dues and gild dues, would tend to be obscured. Probably when Sir Richard Molyneux took the collection into his own hands it may have become impossible to disentangle them. Each side would claim more than it was entitled to. But Sir Richard, being a powerful noble, a Catholic, and a court favourite, was irresistible. The unhappy burgesses knew they were losing rights, but they were seemingly in the unfortunate position of not being able to prove, or even of not knowing, what these rights were.

Though the burgesses had thus lost dues to which they had a right, they continued to exercise undisturbed the control of the waste-lands which they had quietly assumed. Sir Richard Molyneux might have found colourable pretext in his lease for invading this right, but probably neither he nor the burgesses themselves realized how doubtful it was: certainly no one challenged it. In 1562, not long after the great quarrel, their rental⁴ shows that they now definitely claimed ownership of the whole of the waste on the east side of the pool, and of various tracts of odd ground within the cultivated area, such as the sea-bank, together with the whole of the Moss lake, and not merely the six acres of it which had been granted by Thomas of Lancaster.

But while they were left to enjoy these annexations, it is probable that the quarrel with Sir Richard Molyneux was the cause of a new attack on the privilege of trade monopoly. We have seen that in 1533 Henry VIII had issued a commission to enquire into the use

1. P.R., i, 77. P.M., i, 86. 2. P.R., i, 25. 3. P.R., i, 84. 4. P.R., i, 67.

made by the borough of the power of admitting 'foreigners' as freemen and thus exempting them from lordship dues. One of the commissioners had been Sir William Molyneux, father of the Sir Richard of 1555; and the subject of his enquiry had been one which could not fail to interest the holders of the fee-farm lease:—Whether 'the Mayor and burgesses . . . contrary to their ancient liberties . . . for their own singular lucre and advantage now of late have made divers and many foreign men not resident nor abiding in the said town to be burgesses of the same town to the intent to defraud us . . . whereby the farm of our said toll is greatly diminished.' The commissioners had not been successful in stopping the practice. The burgesses continued to admit 'foreigners' as freemen, and we may suspect that they did so all the more readily after the decision in the Chancellor's court, for every freeman admitted not only paid money into the town purse, but ceased to pay all the lordship dues; and the burgesses seem to have used this means of retaliating on Sir Richard for the loss of their dues. They could compel 'foreigners' to take the freedom as a condition of trading, by virtue of their charters. This power was perfectly legal, so long as the charters giving monopoly to freemen held good, as the Commissioners of Henry VIII had probably found. And doubtless this was the reason for the issue of the new Charter of Philip and Mary in 1556,² just after the great quarrel about tolls. This charter gives no new rights to the burgesses; it does not even recognize the Mayor, but follows the ancient form, and says nothing about the new institutions or powers which the borough had developed. But its feature is that it goes back to the charter of Richard II which Henry V had annulled, reviving the clause which deprived the burgesses of the right of excluding 'foreigners,' and therefore of the power of forcing them to take the freedom. It is obvious, as it was obvious in the case of Richard II, that the burgesses cannot have applied for this charter, by which they lost their one weapon against their formidable enemy. The charter of Philip and Mary was a victory for the Molyneuxes over the burgesses, just as the charter of Richard II had been a victory for the non-burgesses. Probably it was the influence of Sir Richard Molyneux which obtained it. But although by this charter the borough lost a useful weapon, it is not true to say, what has been repeated by nearly every historian of Liverpool, that it established freedom of trade in the borough.³ It did no such thing. It forbade the burgesses to exclude 'foreigners' entirely, but it still permitted them

1. P.R. i, 25.

2. Chap. I, No. 7.

3. *E.g.*, P.R. i, 18.

to impose dues of their own on 'foreigners' trading, and it left them still exempt from many dues which the 'foreigners' had to pay.

This defeat, however, does not end the list of difficulties against which the burgesses had to contend in this period. In the middle of the century the citizens of Chester put forward a claim to superiority over Liverpool, which they asserted to be merely 'a creek within their port,' and therefore claimed jurisdiction over it.¹ Probably the origin of this claim, of which nothing was heard during the Middle Ages, is to be found in the fact that Elizabeth's government made Chester the centre of what may be called a 'customs district,' including Liverpool and the North Wales ports, and all tonnage and poundage duties payable in any of them passed through Chester; while Chester was also made the centre of administration for the transport of men and supplies to Ireland, which went on constantly during this period from Chester, Liverpool, Beaumaris, and other ports.² But when the Lord High Treasurer sent down from London a blank book of ten leaves headed 'The Port of Chester,' with the instruction that in it were to be enrolled the names of the customs officers 'within the town of Liverpool, a creek of this port,'³ the burgesses took alarm, and fought as energetically as they had fought against the earlier claims of Molyneux. The Mayor hastened up to London, and with the assistance of Ralph Sekerston, a member for the borough, brought the ancient rights of Liverpool before the government,⁴ cunningly pointing out that subordination to Chester would be an indignity to the royal Duchy of Lancaster, of which it was the only port. After enquiry in the Duchy Court and in the Exchequer Court, a commission was sent down, consisting fortunately of men intimately associated with Liverpool.⁵ Their report seems to have been favourable; for when the Chester claims were next put forward, in 1578,⁶

1. P.R., i, 37.

2. It is difficult to say what was the view taken by the central government on the question of the subordination of Liverpool to Chester. Sometimes they are treated as independent ports, as in 1593 (*Acts of Privy Council*, 1592-3, 326-7), when separate letters were sent to the Mayors of the two boroughs ordering them to confer as to the provision of shipping for transport to Ireland. At other times, as in 1580 (*Acts of P.C.*, 1580-1, 214), the requisition is addressed to the Mayor of Chester alone, who is ordered to 'signifie so much to her Majesties officers at Lirpole, Denbighe, Anglesey and other places adjoining.' In the ordinance for the suppression of piracy, in 1565, Liverpool is actually catalogued with Chester and 'Ilbrye' as one of the ports of Cheshire (*Acts of P.C.*, 1558-70, 288); while in 1589 (*Acts of P.C.*, 1589-90, 298), 'Chester and Lirpole' are treated as a single port. The Mayor of Chester claimed to be by virtue of his office Vice-Admiral of Lancashire and Cheshire (*Cal. S.P. Dom.*, 1625-6, 430). But there is no evidence that this claim to superiority existed before the sixteenth century; and it was obviously the outcome of administrative arrangements of Elizabeth's government.

3. P.R., i, 37.

4. *Ibid.*

5. *Ibid.* The commissioners included the Earl of Derby, Sir Richard Molyneux, and Sir William Norris. For this purpose, at any rate, Molyneux was a friend, since his interests were involved.

6. P.R., i, 38. Picrow has failed to note the limitation of the Chester claims on this second occasion, though he quotes the words 'wolde have from the Towne the halfe of our Ryver.'

it was only contended that the Wirral shore of the Mersey was in the port of Chester, and that ships putting in there should pay dues at Chester and not at Liverpool. The Liverpool burgesses were as prompt in resistance as before, ordering the water-bailiffs to take possession of any ships entering the Mersey which did not pay their dues in Liverpool. The dispute remained an open one, for before long the two boroughs were engaged in a combined struggle with the monopolist Spanish trading company which does not here concern us.¹ The question was raised again at intervals in the first half of the seventeenth century² and finally under the Commonwealth, when in 1658³ it was decided by the Surveyor-General of Customs in favour of Liverpool; a decision which was upheld in 1660 by the first Restoration Surveyor-General.⁴

Thus during the whole of this period the burgesses found themselves engaged in a series of desperate struggles for the preservation of their privileges, and in spite of the unflagging spirit with which they fought, were frequently worsted. They saw their independence regarded with evident suspicion by the crown. They lost the collection of the fee-farm rent, which had been so useful to them; they lost even their own gild-dues, which they had themselves imposed for the development of their trade, and saw them diverted to the pocket of their dangerously powerful neighbour, the constable of the castle. Their charters were revised in a sense unfavourable to them. They only resisted with difficulty a claim to superiority on the part of a rival port. It is not surprising that in these circumstances we find them very anxiously considering their powers, hunting up and investigating their old parchments, exceedingly nervous of further attacks upon their liberties. Nor is it surprising that during this period their methods of internal government underwent a rapid development in the direction of concentration which ended in placing power, in form as well as in fact, in the hands of a limited oligarchy of the chief townsmen. This was the completion of a process which we have seen at work for two centuries, a process which was almost universal in English towns. Liverpool was later than most towns in completing it; she may have been led partly by the example of other boroughs, but the circumstances of the period certainly formed the determining cause. It is fortunate

1. P.R., i, 39-45. *Acts of Privy Council*, 1580-1, 207-8. Picton confuses the struggle with Chester and the struggle with the Spanish company.

2. E.g., in 1619, when the Mayor of Chester complains that Liverpool refuses to pay its share of £100 for the suppression of piracy which he had been ordered to levy on Chester and its dependencies; and the Mayor of Liverpool, in reply to enquiries, answers that Liverpool declines to recognize any right on the part of Chester to treat it as a dependency (*Cal. S.P., Dom.*, 1619-23, 24, 34, 43).

3. P.R., i, 153.

4. P.R., i, 306.

that the abundant records enable us to follow with much clearness this period of crucial development.

The constitution of the borough in the middle of the century, as the records exhibit it in operation, showed already many vital changes from the system of the middle age. If any distinction had ever existed between borough and gild, it had now vanished. Borough business and gild business are done in precisely the same way, regulations of trade, impositions of duties, decisions to make 'town's bargains' being made in the Assembly along with other business.¹ Admission to the privileges of the borough is now given simply by conferring the 'freedom,' which is granted by the Assembly, but sometimes, it would seem, also by the Mayor.² On election the new freeman pays an entrance fee to the common fund—the original hansa; but the fee varies according to the position of the freeman. If he is the son or apprentice of a freeman, he enters as by right, and pays a low fee.³ If he is a 'foreigner,' but resident in the town, he will pay a higher fee. A non-resident foreigner appears to pay the highest fee of all,⁴ and is not admitted to full privileges; thus he may not hold any office,⁵ though he must pay 'scot and lot,' his share of the 'leys' or rates levied on freemen, just as if he resided. Some freemen hold their freedom in virtue of the possession of certain patches of land,⁶ and if they part with these lose their freedom. But this appears to be the sole relic of the political privileges of the old burgages. The burgages still survive; but they have diminished in number.⁷ Probably as they had escheated they had been granted out on a different tenure. Some of them had fallen into the hands of the church, and of these some returned to the crown when the chantries were suppressed; others had become the property of the borough.⁸

Again, the Portmoot is clearly differentiated from the Assembly. The Portmoot is a law-court, meeting twice a year under the presidency of the Mayor, and its members are the *Jurati*, twenty-four at the Great Portmoot in October, twelve at the Little Portmoot. They are chiefly

1. P.R., i, 80 ff. I refer to typical examples where obtainable in *PICROW* in support of the points mentioned in the following pages, *en attendant* the publication in full of Miss Platt's transcripts.

2. P.R., i, 73.

3. P.R., i, 57, where a 'labourer' pays 20s., but a freeman's son 3s. 4d. The fee for an apprentice was 6s. 8d. See *Pl. Extracts*, 102.

4. BAINES, 218.

5. P.R., i, 33.

6. P.R., i, 74.

7. In the King's Rental of Liverpool, 1533 (GREGSON, *Fragments*, App. lxxv), the word burgage is only applied to seven holdings, though the rents paid for other holdings described simply as 'lands' (6d., 1s., 1s. 6d.) suggest that these also may have been burgages. But clearly the word was dying out; and this was because the *thing* was dying out—because the distinction between burgages and other lands was being obliterated. A century later Sir Edward Moore, in his long account of his Liverpool estates, which largely consisted of old burgage lands, only once uses the word 'burgage,' and then it means, apparently, the rent rather than the land. (*Moore Rental*, ed. W. F. Irvine, 106).

8. P.R., i, 66.

concerned with borough business, 'presenting' and sometimes fining outgoing officers for neglect of their duties,¹ or the parson for modes of conducting the service of which they disapprove,² or individual burgesses for failure of service,³ for trading with foreigners,⁴ for pleading at outside courts⁵ or the like. As a relic of the age when the Portmoot was the organ of the whole burgess body, we find it passing regulations affecting town business and electing the minor officers.⁶ But no one paid any attention to its pious resolutions, as we learn from a Mayor and Recorder of the period.⁷ Even for judicial business the Portmoot has become obsolete, except to enforce borough customs. All ordinary law cases are dealt with in the Mayor's court.

The Assembly of the whole body of burgesses is still the sovereign body of the community. At its great annual meeting on the 18th of October it elects the Mayor and one of the Bailiffs (the other was nominated by the Mayor); the minor officials, water-bailiffs, levellookers, prysors, etc., being elected at the Great Portmoot a few days later.⁸ On all important occasions the Assembly determines the policy of the borough, and it is so important that these meetings should be well attended that burgesses are fined for absence.⁹ It meets in the Town Hall or Common Hall at the sound of a bell; hence its meetings are sometimes called 'Common Halls.'¹⁰ In the course of the great struggles with Sir Richard Molyneux and the city of Chester it was summoned at every stage to decide upon the course to be pursued.¹¹ It votes 'leys' or rates¹² to carry on these causes and for other purposes: but rates are always specially levied, never for general purposes, and the payment is even some times made voluntary.¹³ It passes constant and stringent trade regulations, frequently of a rather unintelligent kind. But there are signs of a mistrust of its wisdom, shared by itself. In 1555,¹⁴ 'Master Mayor declared to the whole Assembly how it were not convenient to declare there of all things which was done in the town's suit (against Sir R. Molyneux) in London, forasmuch as he well perceived all in the whole house were not to be credited and trusted—wherewith the whole assembly . . . held themselves well contented.' Delicate negotiations such as were now frequently in progress could not, it began to be felt, be safely discussed openly before so large and mixed an assembly. The town estate, too, now beginning to be considerable, could not very well be

1. P.R., i, 57.

2. P.R., i, 95 ff.

3. P.R., i, 32.

4. P.R., i, 82.

5. P.R., i, 55.

6. P.R., i, 93, 59. *Pl. Extracts*, 193.

7. P.R., i, 52.

8. P.R., i, 59. *Pl. Extracts*, 190, 193.

9. P.R., i, 32.

10. P.R., i, 30.

11. P.R., i, 32, 38, 42, 68, etc.

12. P.R., i, 42.

13. P.R., i, 153.

14. P.R., i, 68.

administered by the Assembly ; it could not properly audit accounts, or check the behaviour of the officers.

The nearest approach to an executive committee of the Assembly was supplied by the Aldermen or Mayor's Brethren, of whom we have already said something. Their number varied widely, but there seems to have been a theory that they ought to number twelve,¹ perhaps on the analogy of the *Jurati*. They may have been 'the twelve burgesses of the commonalty appointed to order for the public weal'² who are mentioned in the Elder Precedences of 1525 as sharing with the Mayor and Bailiffs the government of the town. They were not elected by the Assembly. Though there is no mention of the mode of their appointment in the records of this period, it may safely be assumed that, as in the next century, they consisted of all Mayors who had passed the chair, though, possibly, other leading citizens were also admitted among them. They thus held their position for life. They were clearly marked out as the leaders of the burghal community. They had two votes at elections. The front seats in the chapel were reserved for them.³ The town waits played before their doors.⁴ They sat on the bench with the Mayor in his court, where all the multifarious judicial business was transacted. They are repeatedly mentioned as sharing with the Mayor responsibility for his acts⁵; and not rare is the announcement of a new edict on some important point 'ordered by the Mayor and his Brethren with the consent of the Assembly.'⁶ There is reason for supposing that it is the Aldermen (or some among them) whose names appear with the Mayor's in the leases of farms from Akers and from the Molyneuxes.

But, great as was their influence, the Mayor's Brethren were after all only an advisory body. They had no executive or regulative powers formally delegated to them by the Assembly. Hence the real centre of power was to be found in the officials of the town, and especially the Mayor. He controlled the whole executive, frequently taking important steps on his own initiative without consulting the Assembly.⁷ The other officials seem to have been under his orders ; he could punish them without reference to Assembly or Portmoot. Of the two Bailiffs, who were the chief financial officers and did generally

1. P.R., i, 52.

2. BAINES, 207. Picton has not thought this striking phrase worth quoting.

3. P.R., i, 105.

4. P.R., i, 118. *Pl. Extracts*, 207.

5. P.R., i, 63. Letters from the central government are frequently addressed to 'the mayor and his brethren' (e.g., *Actn of P.C.*, 1558-70, 264).

6. P.R., i, 33.

7. P.R., i, 56.

all the routine work of the borough, he had the nomination of one. A Justice of the Peace, he represented the crown as well as the burgess-body. His position was so important that it was always held either by one of the wealthier merchants of the town, or by some powerful outsider connected with the borough like Lord Derby or Sir William Norris. In the latter case a deputy-mayor, resident in the town, was generally appointed.¹

A large and increasingly important part, throughout the period, is played by two new officials, of whom we have hitherto had no mention. These were the Recorder and the Town Clerk. The offices were in existence before the sixteenth century, for there is mention of a *Clericus et Recordator villae* as early as 1438.² At this date it would seem that the functions of the office were combined; but there is a separate mention of a Town Clerk in 1470. It was the Recorder who in 1541 drew up the Elder Precedences, or statements of the early customs of the borough.³ Both were elected, along with the other officers, by the Portmoot.⁴ They seem both to have held their office for life or during good behaviour, though their appointments were annually confirmed.⁵ Both were salaried, but the perquisites of the courts, in which they played an important part, were probably more profitable than the salary.⁶ In the seventeenth century the office of Town Clerk was sold, a practice which led to considerable inconvenience; but there is no saying whether the sale of the office was an innovation in 1611, when it was first mentioned.⁷ Of the two officials, the Recorder was much the more important and the more dignified. He was frequently a member of one of the great families of the district; and he seems to have been 'learned in the law,' for he took the leading part in the Mayor's Court, supplying, doubtless, the legal knowledge which the Mayor could not be expected to possess. But he was not, like the modern Recorder, a bird of passage, coming only for the sessions of his court. He cast in his lot with the borough, and his legal knowledge and skill in interpreting charters were often useful. He sometimes goes up to London on legal business. One Recorder of the period, Edward Halsall, became Mayor, apparently without demitting his office, and took the lead in the great constitutional change which we shall presently have to record. The Town Clerk seems to have performed functions not unlike those of his modern analogue; he also acted as Clerk of the Peace in the Mayor's Court.

1. P.R., i, 63. 2. Baines, 193. 3. P.R., i, 30. 4. P.R., i, 162.
5. *Ibid.* 6. P.R., i, 166. 7. P.R., i, 160.

Such was the structure of the borough government in the second half of the sixteenth century. It shows a very great development from the simple organism of the thirteenth century, and was, undoubtedly, more efficient than the old machinery of Bailiffs and Portmoot. But it had several obvious and grave defects. The Assembly was, undoubtedly, a very unworkable body to exercise supreme power: its control was apt to be spasmodic, and it was tempted to seize the reins just at those moments of crisis when its interference was likely to be most mischievous. On the other hand, the power necessarily left to the chief officers was dangerously extensive; the Mayor exercised an authority too nearly absolute; and the danger was the greater, because there could be no continuity in the policy of an annually elected officer. Such guarantee of continuity and of control over the irresponsible power of the Mayor as was provided by the existence of a body of Aldermen was necessarily limited by the fact that the Aldermen had no executive power, so that their advice could be disregarded. The lack of a body possessing controlling and regulative powers seems to have been felt throughout the period, and several attempts have been made to supply it. In 1551¹ the Assembly elected for one year a Council, consisting of sixteen members, four for each of the four main streets in the town. They were empowered to 'sit upon, hear, and understand all things presented to them,' to look into accounts, payments, and 'all other things whatsoever,' and to 'decree such orders as they shall think most convenient and necessary for the common weal of the town;' their decrees were to be of full force 'without any contradiction, denial, or delay.' This amounted practically to a devolution to the new body of all the governing powers of the Assembly. It is noteworthy that the Aldermen do not appear to have been included in this body. The Council seems not to have been elected during the years following 1551, but in 1558² the Assembly resolved that a Council of twelve members should be elected every year, and in the next year its numbers were raised to twenty-four. The Assembly, however, still continued to meet, and, indeed, seems to have been jealous of its power; for once more, in spite of the resolutions of 1558 and 1559, the Council fell out of use. It may reasonably be assumed that the movement for delegating the Assembly's powers to an elected body was mainly urged by the leading men, who would be members of such a body, and that it was not very popular with the ordinary burgesses. But the action of the Assembly in repeatedly allowing the Council to drop

1. P.R., i, 31, 2.

2. P.R., i, 33.

after passing resolutions for its regular election, must have convinced the leaders of the movement that if it was to be successful some means must be found of preventing the Assembly's interference and of making the Council independent of the Assembly. It thus explains the revolutionary character of the change which was next proposed.

For in 1580¹ a further and a final step was taken under the lead of Mr. Edward Halsall, who, as Recorder, had been a diligent student of the town charters.² He seems to have come to the conclusion that the town was in a precarious position, that the turbulence and ignorance of the Assemblies was a chief cause of its misfortunes, and that its whole system of government needed reorganisation. Being elected Mayor, he brought forward a very drastic scheme: nothing less than that a Council should be elected which should exercise all the functions of the Assembly, except the election of the Mayor and other officers; that, except for these purposes, the Assembly should cease to meet; and that, once elected, the Council should not be responsible to the Assembly. Its members were to sit for life, and vacancies were to be filled by the Council itself. The only concession he made was that these elections by the Council should be made in the presence of the Assembly. In the new Council the Aldermen were included. Their number was fixed at twelve; and as there were only ten Aldermen at the time, two more were elected to fill up the number. The Common Councillors were to number twenty-four.

This far-reaching change was adopted by the Assembly after a stormy meeting on January 13th, 1580; and the town found itself fixed under the rule of an irremovable, self-electing oligarchy, which continued until the Municipal Reform Act of 1835. At first sight the change seems revolutionary, and, no doubt, in principle it was so. In principle the narrowest of oligarchies replaced a wide democracy. But in practice the change may well have appeared less to that age than it does to this. Halsall could truly urge that in taking this step Liverpool was following the example of nearly every other town in the kingdom. He could also argue that he was only proposing to return to a sound ancient custom which had fallen into disuse, supporting his assertion by a reference to the decayed power of the *Jurati*. The ordinary affairs of the town had long—perhaps from the beginning—been practically controlled by a group of leading men. In ordinary times the decrees of the Assembly must simply have been a registration of the decisions of the chief men. In any

1. P.R., i, 52.

2. See p. 90.

case, whatever its drawbacks, the new system had the merit of getting rid of the irresponsible power of the Mayor. A small body of powerful men could not be disregarded as the Assembly could ; and now the chief men were able to do more than give advice, they could give orders. The Mayor, therefore, gradually sinks under the new system into a mere president and mouthpiece of the Council.

(8) The Charter of Charles I and the Sale of the Lordship

With the opening of the seventeenth century the period of Liverpool's humility and obscurity comes to an end. It is no longer an insignificant, poverty-stricken place, almost powerless against its great neighbours; but an increasingly prosperous town, well able to stand on its own bottom and maintain its own right. The number of its burgesses almost doubled between the beginning of Elizabeth's reign and the end of James I's.¹ Its shipping doubled between 1565 and 1618.² Its corporate revenue was steadily increasing in value, and by the middle of the century reached the unprecedented figure of £273.³ As they repeatedly showed, the burgesses had no difficulty in finding considerable sums for the purpose of defending their rights in the law-courts; they were so prompt to do so on all occasions, that the student of their records comes to think of them as a rather litigious folk. They do not now dream of placing their right of returning members to Parliament humbly in the hands of their noble patrons: they elect their own members, pay them substantial sums,⁴ and are not a little exacting in their demands on their services.⁵ Upon a new and troublous age, in which careful steering was necessary, the borough enters with a settled form of government, which, whatever its defects, was stable and efficient. The authority of the Council, established in 1580, seems never to have been challenged, perhaps because it kept in touch with the burgess-body, for there is some evidence that its meetings in the Common Hall were open to the burgesses.⁶ The numbers of the Council, indeed, seem to have varied a little: thirty-six in 1580,⁷ they were fixed at forty in 1619,⁸ and had risen to forty-seven in 1625.⁹ Probably the variation is due to the fact that the number of Aldermen, holding office for life, was

1. BAINES, 289. 2. *Pl. Extracts*, 93, 95.

3. £273 6s. 8d. in 1651. P.R., i, 174. The funds, except the petty cash held by the bailiffs, were kept in a chest with three keys, of which the Mayor held one, and the Senior Alderman and People's Bailiff the others.

4. P.R., i, 157.

5. In 1611, e.g., the payment of a member's wages is apparently made conditional upon his bringing back a new charter, P.R., i, 157.

6. The constant formula for meetings of the Council is 'At an Assembly held in Common Hall in the presence of the Mayor, Bailiffs, Aldermen, and others,' sometimes 'Common Councilmen and others.' Cf., P.R., i, 127.

7. P.R., i, 52.

8. P.R., i, 124.

9. P.R., i, 123.

necessarily variable, while another element of variability seems to have been afforded by the practice, which probably existed at this date, of admitting the Bailiffs after they were elected, to life membership of the Council.¹ If this were the practice, the number of the Council would practically be fixed by the average age at which Mayors and Bailiffs were elected. A further consequence of this practice would be that the majority of the Council would have undergone popular election, and this may account for the absence of challenge to the Council's powers, which contrasts very forcibly with the strife of the next period. Assemblies of the whole burgess-body were still occasionally held,² but it is difficult to say how often, because meetings of the Council and of the burgess-body are indifferently described by the term 'Assembly.'

Within the borough itself, the only constitutional troubles of the period of which record survives turn on the behaviour of Mr. Robert Dobson,⁴ the Town-clerk, who, having paid for his office, naturally considered himself irremovable, claimed precedence over the annually changing bailiffs—a serious question which was very gravely discussed by the Council—grossly neglected his duties, and used offensive language to and about the Mayor and Aldermen. Flushed with insolence and (probably) wine, he had the audacity to describe them by the vaguely insulting term of 'bashragges'; he even 'immodeste et indecente haec Angli (*sic*) verba utavit—Whosoever the divell was Maior, hee would be the Towne's clerk.' Disrespect to the august dignity of the Mayor was always punished with exemplary severity, and the Portmoot did their best to bring the lively Mr. Dobson to a due sense of his position. The absurd dispute went on for some years, and almost brought the borough into conflict with the Palatine Court, to which Dobson tried to remove his case. But apart from this, the sole importance of the episode is that it led to a modification, though not yet to the cessation, of the objectionable practice of selling the office.

The vigour with which the borough repudiated the right of the Palatine Court to intervene in the dispute between themselves and

1. Ex-bailiffs were called 'Bailiffs' Peers', as Aldermen were sometimes called 'Mayor's Peers'. In a Burgess Roll of 1620, printed in *Trans. L. and C. Hist. Soc.*, xxxvi, 131, the Bailiffs' Peers are given precedence after the Aldermen and Bailiffs. They number fifteen, and with the Mayor, seven Aldermen, and thirteen Common Councilmen, make up a total of 35, which is almost the right number for the Council. In the charter of Charles II fourteen Bailiffs' Peers immediately follow the Aldermen in the list of the Council; the same (with difference of number) is the case in the charters of James II and William III.

2. *E.g.*, P.R., i, 127.

3. P.R., i, 132, 135.

4. Mr. Dobson's adventures fill many pages of the Records, and occupy a proportionately big place in the pages of PICTON (*Records*, i, 161, and *Memorials*, 92), and of BAINES, 292.

their clerk is an example of the spirit in which its liberties were maintained. A similar issue was several times raised during the period. In 1611¹ the Assembly declined to take any notice of a writ of *certiorari* issued by the Chancery Court of Lancaster to remove a case against a Freeman from their jurisdiction. In 1637² the same action was taken, and the Chancery Court was compelled to admit that the charters of the borough justified it. In 1636³ the burgesses undertook the cost of defending Freeman unrightfully summoned to the Palatine Court of Admiralty. In the same spirit, in spite of all that was past, they continued to exact town's dues from foreigners, over and above the dues included in the farm. A list of the dues charged in 1613 survives, and is practically identical with the town's dues of the nineteenth century.⁴ They were bold enough even to withstand the crown. In 1601, when £6 and a quota of twelve men were demanded for service in Ireland,⁵ the Assembly determined 'not to yield thereto . . . but rather to stand upon and maintain our privilege which we have both by charter and by the laws of this realm, for that we serve her Majesty by sea.'

The old trouble with the Molyneuxes still continues in the new period. Sir Richard Molyneux's power in the neighbourhood of Liverpool was still increasing; in 1605 he bought from Lord Derby the Park of Toxteth,⁶ which had been disparked a few years before, and which lay almost at the town's gates. The farms into which it was cut up were tenanted by a group of Puritan immigrants from the neighbourhood of Bolton. In 1603 Molyneux's lease of the fee-farm had been renewed for a still longer period. In 1617 he began to threaten the burgesses' control over the waste.⁷ He did not try to make use for this purpose of his powers as lessee of the fee-farm; but raised a claim that part of the waste belonged to West Derby, and roused the copyholders of that manor to enter and occupy it with him. Whereupon the Council instructed the Mayor and his Bailiff to 'meet the said Sir Richard Molyneux and the West Derby men at their first entrance within the town's liberties, and there make known unto them . . . that time out of mind the liberties which we claim have belonged to our town, and that we have evidence to maintain the same, which we will shew to them that it shall concern, when occasion shall serve.' Nothing came of this attempt of Sir Richard; but it would be interesting to know what evidence, other than that of prescription,

1. P.R., i, 171.

2. P.R., i, 136.

3. P.R., i, 131.

4. P.R., i, 174.

5. P.M., i, 185.

6. BAINES, 291.

7. P.R., i, 169.

the burgesses thought they possessed. A further dispute with Molyneux seems to have taken place in 1622 over the levying of prysage dues on wine.¹

It is not surprising that while so many of their rights were still uncertain and liable to challenge, the burgesses should be anxious to obtain a new charter to set them at rest. During the great struggles of the previous century they had shown an anxious interest in the nature and extent of the privileges granted by their charters, which were constantly ransacked, and more than once sent up to London. The vague formulae of the Middle Age had become more or less unintelligible, and there were frequent discussions as to the precise powers which they conferred. But the burgesses could make little of them : we have seen already some of the elementary mistakes into which their ignorance led them.² About 1580, Mr. Edward Halsall,³ who had led the movement for the establishment of the close Council, drew up a memorandum containing excerpts from the leading charters with some comments of his own ; the paper has been preserved in the town archives. He observes that in all the charters 'it appeareth not that the Mayor and Commonalty of Liverpool were ever incorporated by express words by any such name as they now enjoy.' This might be very serious. It might give a loophole to the enemy to assert that the rights they exercised under that title, or, indeed, as a body corporate, were invalid. If the borough had never been properly incorporated, what would become of the borough property, and among other things, of the waste? Halsall saw a ray of hope in the phrase of John's charter, which gave to the holders of burgages in Liverpool 'all the liberties of any free borough on the sea.' The holders of burgages were now a very different body from the Mayor, Aldermen, and Burgesses, and the liberties granted by John would have been a poor exchange for the powers the burgesses now exercised ; but Halsall evidently hoped that an investigation of the powers of the free boroughs on the sea in John's reign might lead to useful results. How the investigation was to be made he gives no hint ; but 'it is necessary' (thus his paper ends) 'that search be made as afore for the certain knowledge of this matter.'

Urged by these doubts as to the security of their existing rights under the old charter, the Council strove to obtain a new one, more definite in its terms. There are suggestions of applications at the end

1. P.R., i, 274.

2. See p. 10.

3. I get this document from Miss PLATT's transcripts ; neither PICTON nor BAINES alludes to it. It has been already quoted, p. 10.

of the sixteenth century ; there was an application in 1603¹ and another in 1611²; and in 1617 the burgesses raised £10 to defray the charge of a new application,³ which, like its predecessors, was unsuccessful. At length in 1626 Charles I granted a new charter,⁴ which fulfilled all their requirements.

The charter of Charles I is, beyond question, the most important since that of Henry III. Its predecessors had simply repeated, with or without slight modifications, the terms of the original grant, which were now almost unintelligible, and had little relation to the existing system of the borough. But the new charter departed entirely from the old form, and, without annulling the earlier grants, proceeded to authorize in more modern terms all the burghal powers about which the burgesses had begun to feel insecure, whether they were derived from grants from the crown 'or by prescription and usage from time immemorial.' It is an extremely verbose and long-winded document, very wearisome to read ; but it puts its grants beyond any shadow of doubt. In the first place the vexed question of incorporation is decided. Liverpool is made a 'body corporate and politic' with perpetual succession, and the right of having a seal and of changing it at pleasure, with the power of suing and being sued in courts of law and of acquiring, holding, or alienating lands, privileges, and other properties like a private individual. Further, whatever they have done as a body corporate in the past, under whatever title, and whether they were then really a body corporate or not, is to hold good. All lands or other properties which they have held or usurped up to the date of the new charter are formally granted to them, the law officers of the crown being instructed not to bring any action or issue any writ of *quo warranto* against them on account of such lands. This is perhaps the most vital part of the charter ; it removed all doubt about incorporation, and secured the burgesses against any new attack on any privileges for which they could show prescription ; it also secured to them all the property which they had annexed, including the waste lands of the township.

The charter goes on to settle the constitution of the borough. It makes the mayor, bailiffs, and burgesses the supreme authority : they or the majority of them may, 'upon public summons thereof, to be given for that purpose, assembled,' make reasonable laws for the government of the town. In the old charters, the free burgesses were

1. *Norris Papers*, 6 (Chet. Soc., ix).

2. P.R., i, 157.

3. P.R., i, 156.

4. Chap. I, No. 8. Of this exceedingly important charter the meagrest notice is given by PICRON, both in the *Records* and the *Memorials*. BAINES gives a fuller abstract, but misses many points ; as does the abstract in *Trans. Lanc. and Ch. Hist. Soc.*, xxxvi, 62.

only given power to manage their own affairs, but not to control residents who were not Freemen. This power they had, as we have seen, acquired or assumed ; but the charter makes it perfectly definite for the future. The laws passed by the burgess-body, if in accordance with the laws of the realm, are to be binding upon 'all and singular the officers, ministers, burgesses, artificers, inhabitants, and residents of the town.' The Mayor and two bailiffs are to be elected annually by the body of burgesses on St. Luke's Day in each year. The Mayor thus lost and never regained the nomination of one of the bailiffs. This is a sign of the decline of his power ; and it is the only provision of the charter which can be certainly pronounced a novelty. Nothing is said as to the appointment of the inferior officers, most of whom are not mentioned. The Town Clerk is recognized as charged with the preservation of Records, and empowered to act as the royal clerk of the peace in the borough court, functions which he had long exercised ; but though the existing Town Clerk (our friend Robert Dobson) is named and confirmed in his office, the method and terms of his appointment are not given. Evidently these points are left to the burgess-body.

The legal system of the town is also brought into order. No mention is made of the meetings of the Portmoot. But the wide functions which had been engrossed by the Mayor's Court—now, on its civil side, beginning to be known as the Court of Passage—are confirmed and defined. The Mayor and the Senior Alderman for the time being are given the position and powers of Justices of the Peace within the borough. It is not possible to say whether this is a new provision. That the Mayor had long been a Justice of the Peace is practically certain ; but it is not clear whether the Senior Alderman had before this date possessed these powers in virtue of his office.¹ They are given jurisdiction over all the lesser offences, civil and criminal, short of cases affecting life and limb, and including the Assizes of Bread and Beer, the regulation of weights and measures, and the fixing of wages under the Statute of Labourers. We have already seen that this jurisdiction was of long prescription. A distinct court is also constituted for the rapid recovery of mercantile debts under the Statute of Merchants of Edward I,² over which the Mayor presided with the Town Clerk as clerk. This special commercial court had at first been permitted only to the twelve chief trading towns in England. Liverpool may possibly have been added to the number at some date since 1311 when it was fixed : we have seen that the

1. We hear of an Alderman J.P. just before the grant of this charter, P.R., i, 125.

2. ASHLEY, *Econ. Hist.*, i, 204.

burgesses had made an application in 1411, but there is no record of its having been granted. From the elaborate terms in which the grant is made, contrasted with the more general terms in which most of the existing rights are confirmed, and from the phrase used in the docquet of the charter, which speaks of it as a 'confirmation of ancient liberties with the *addition* of a clause for the acknowledgment of statute merchant,' it seems almost certain that it was a novelty, and formed another of the great boons conferred by this charter.¹

All these grants are of great interest. With few exceptions they probably simply defined and confirmed the existing practice of the town, but at least they placed its constitution on a clearer and more certain basis than before. But the omissions of the charter are even more striking than its contents. We have seen that it says nothing about the minor officials and their functions. It also says nothing of the body of Aldermen, though their existence is implied in the appointment of the senior alderman as a Justice of the Peace. Are their powers included among the burghal privileges gained by prescription? If so, are they now confirmed and enforced so long as the charter holds good? Or are they left in the power of the burgesses to alter or amend as they see fit? The question is perhaps academic, but constitutionally interesting. Still more remarkable, there is no mention of the Common Council²; on the contrary, the definite grant of supreme power to the burgess-body might seem to deny the powers which the Council had been exercising. Doubtless, its establishment is covered by the clauses empowering the burgesses to make any arrangements they like for the government of the borough, and confirming their previous acts. But we should certainly have expected to find some allusion to so important an institution. The omission left it open to the burgess-body to abolish the Council or change its constitution and powers whenever they pleased. But there is no ground for supposing that this was the object of the omission, or that the charter of Charles I in any way represents a democratic reaction against the oligarchic system of 1580.³ The first action of the Assembly after the receipt of the charter was to re-elect the existing Council,⁴ seemingly with all the powers it had previously

1. Cf. p. 56, n. 3.

2. *Picrew* (*Records*, i, 124) is guilty of the astounding statement that the Charter of Charles I fixes the number of the Council at 41! This is plain proof that he had not read the Charter.

3. The amazing *Picrew* takes this view (*Records*, i, 243, 'the Charter of Charles I vested all power in the burgesses at large') in spite of its absolute contradiction of the statement quoted in the last note.

4. At an Assembly on October 18, 1627—the first held after the grant of the Charter—'It is ordered by Ralph Seacombe, gentleman, Mayor, and the bailiffs and burgesses, that these persons following shall be: a Common Council within this corporation, and shall enact and make all such orders and decrees for the good of this town as they shall think fit.' This extremely important passage from the *Records* is

enjoyed; for the Council continues to be as active as ever, and its powers remain absolutely unchallenged. A still further significant omission from the charter is that of any clause restoring to the burgesses the trade monopoly, the right of forbidding trade by non-Freemen, which they had lost by the charter of Philip and Mary. But we find them frequently enough exercising the right, and fining non-Freemen for presuming to trade. They had done so, indeed, in spite of the Philip and Mary charter. But now the general power of legislating for all 'inhabitants' might seem to restore right of prohibition, at least as far as non-Freemen dwelling in the town were concerned.

Not long after the grant of the charter, which safeguarded the position of the burgesses, the King was driven by poverty to a step which, but for the grant of the charter, might have been fatal to many of the burghal liberties. In 1628, when he was at the height of his struggle with Parliament, he granted to the Lord Mayor and Citizens of London,¹ in repayment of sundry loans, including a new one of £25,000, the lordship of some three hundred manors, among which was Liverpool. All the royal rights in the borough were thus transferred, subject only to an annual charge of £14 6s. 8d., which was the amount of the payment made by Sir Richard Molyneux as fee-farm rent. Molyneux now held his lease as from the City of London, and doubtless paid his farm rent through them. It is difficult to see what rights the lordship conveyed to the Londoners over and above those covered by the farm-lease, the rent of which they had to pay over to the crown as soon as they received it. The grant first recites the rights covered by the lease, in the precise terms of the lease itself. It then goes on to add 'and also all farms . . . mills, houses . . . courts,' etc., with all the verbosity of a deed of the period. Was this all mere verbiage? Or did the King possess, or had he claims to, any 'farms, mills, houses, courts' in Liverpool over and above those covered by the lease? Clearly the burgages are not meant. They, as we have seen, were included in the farm-rent, and later we find the annual charge of £14 6s. 8d. spoken of as 'the burgage rents,' as if it consisted of nothing else. But the King may have owned scattered lands in the borough, acquired in various ways since the lease was first granted and not included in it. And he probably had dormant or arguable claims to

unaccountably omitted by Picton, though it is the only occasion from 1580 to 1835 on which the Common Council was elected by the Assembly, and permanently established the Council's authority. It is quoted in the 'Report of Proceedings at an Action of Law brought by the Mayor, etc.,' (action of 1791, see below, section 10) p. 231. In 1646 the Common Council is found appointing to five vacancies in its own membership. *Ibid.*

1. See Chap. II, No. 47, for this very verbose grant.

2. P.R., i, 135.

sundry rights and properties now possessed by the burgesses, their waste, for example. But the Londoners were not in a position to enforce these claims. The only use of the lordship to them was to turn it into money. And there was a purchaser ready to hand in Sir Richard Molyneux. His lease, out of which he made large profits, would expire in 1656; a purchase of the lordship would make it permanent, besides giving him the right to use against his old foes the burgesses any powers or claims which ingenuity could assert as belonging to the crown. It is not surprising, therefore, that he should make a bargain with the Londoners. The only surprising thing is that he waited so long. It was not until January, 1635, that the deed of sale was enrolled in Chancery,¹ whereby, for the payment of £450 to the Londoners, the house of Molyneux became possessed for ever of all the vague manorial, seignorial, and royal rights in the borough of Liverpool, subject only to a yearly payment of £14 6s. 8d. to the crown. It was fortunate, indeed, for the borough that its new charter, confirming its possession of all lands and powers which it then held, had been made before this unlucky transfer.

The result of the sale was very quickly manifest. We have seen that for long the burgesses had been working a Ferry and a Mill, apparently distinct from those included in the lease. The lordship, with its grant of all 'mills, waters, tolls,' seemed to afford to Molyneux a means of seizing these properties. In 1638, therefore, he entered an action in the Court of Wards² against the borough. The burgesses resisted with vigour, raising a 'ley' of £162 to fight their case. They also sent a petition to the King,³ in which they showed their grievances, and begged that 'the said town and its emoluments' might be granted to them 'in fee-farm for ever.' The King 'made a most gracious answer,' and referred the petition to the Lord Treasurer and the Chancellor of the Exchequer; but it is obvious that he could not grant the request, since the right to grant the fee-farm had passed out of his hands. The trial in the Court of Wards was never finished, for the burgesses found it wise to come to an agreement with Molyneux, whereby they undertook to pay him temporarily £20 per annum,⁴ apparently to stop proceedings and without prejudice to their rights, until an amicable settlement could be made. But before any settlement could be made, before the full results of the sale of the lordship had become manifest, the Civil War had broken out, and Molyneux was in arms on the Royal side. The war brought to Liverpool many hardships with which we are not here concerned. It was three times besieged, and alternately fell under the control of the forces of Crown

1. Chap. II, No. 47.

2. P.R., i, 132.

3. *Ibid.*

4. P.R., i, 133.

and Parliament. The burgesses accepted very willingly the Parliamentary supremacy. A majority of them seems to have belonged to the Parliamentary side, though, except Colonel John Moore, the regicide, and a few others, they were not very enthusiastic. As their records during the war show, they were far more preoccupied with the interests of the borough than with the interests of the state. But there was one powerful reason why they should welcome the triumph of the Parliamentarians over the party which included the owner of the lordship: it gave them hope of having decided in their own favour all the questions arising out of the sale of the lordship. In October, 1646, at the end of the war, they petitioned Parliament for the restoration of the windmill and ferry which were in dispute, and got a bill¹ passed ordering 'that the said Corporation shall hold and enjoy the said windmill and ferry-boats and the rent of £20 per annum, formerly paid by said Corporation to the said Lord Molyneux, till both Houses take further order.' As this abolished for the time Lord Molyneux's power in the borough, they were thus at last freed entirely from the vague terrors of lordship, and made undisputed sovereigns within their own liberties. They obtained also, in compensation for the distresses suffered during the sieges, a sum of £10,000 from the lands of a number of 'malignants' in the neighbourhood,² for which a grant of £10,000 worth of lands in Ireland³ was later substituted; and it seemed likely that the borough would become a large landowner outside of its own bounds. Time showed that this Irish grant was entirely illusory; after a good deal of trouble and expense, the attempt to obtain possession was given up in despair. Nevertheless, the Puritan revolution brought large powers to the borough, and it is not surprising that a large proportion of the burgesses were and remained Puritan in their sympathies. The Restoration abolished all that the Commonwealth had granted, but it could not restore things to their original condition. A party had been formed within the borough, as within the nation, which was bent on obtaining full political liberty, and the next period consequently assumes a markedly different character from all its predecessors. It is a period of party strife.

1. P.R., i, 133. The bill contains the statement that 'all the writings and ancient records belonging to the said Corporation were taken away when that town was taken by the enemy.' It is possible that some papers which would clear up the obscure question of the mills and ferry were then lost. On the other hand, the Corporation certainly recovered the bulk of their 'ancient records.' And in view of the fact that they found it necessary, in 1638, to give way on this question, I am inclined to be sceptical as to their possessing any 'ancient records' which would support their claims, other than those we possess. To be able to give a plausible reason for not producing evidence is the next best thing to producing it.

2. P.R., i, 148.

3. P.R., i, 149.

(9) The Party Strife of the Seventeenth Century

The rise of the little mediaeval borough into a considerable centre of trade had begun in the first half of the century, but it was in the second half that its progress became rapid, and that it took its place among the great towns of the kingdom. The town's revenue from its properties and dues, £273 in 1651, was £1,203 in 1700.¹ The town itself, long confined to the seven original streets, began to fill up the peninsula within the pool with the numerous new streets which were opened in this period, and even to cover part of the waste on the other side, where in 1699 St. Peter's Church was built. In that year the burgesses could claim² that, since the Restoration 'from scarce paying the salary of the officers of the Customs, it is now the third port of the trade of England, and pays upwards of £50,000 per annum to the king.' The manufactures of Lancashire were beginning; and the Liverpool merchants were also pushing into the lucrative trade of the West Indies and America. Hitherto the burgesses, in their remote backwater, had taken little or no interest in the affairs of the nation, leaving their representatives in Parliament to be nominated by their great patrons, or, at best, electing them simply for the purpose of safeguarding their local interests at Westminster. But the strong passions roused by the Civil War had changed all that. The party spirit of the period is reflected in the town, and even governs its local politics. A new interest is taken in national affairs. The elections of members are keenly contested, and at critical elections the polling is heavy. Parliament having assumed so great an importance, it is no longer necessary for the borough to pay men to serve as representatives, as it had done up to the Civil War: instead, wealthy men are eager to serve, and the right of election has become profitable to the burgesses, for it is in this period that the system of wholesale bribery and treating began.³ And here it may be noted that Liverpool was, and continued until 1832 to be, one of the largest constituencies in the kingdom. While in some other boroughs the right of election was usurped by the Councils, and in many was confined to the holders

1. See the table of revenue and expenditure for each year from 1600 to 1709, in *Baines*, 357.

2. In the petition for separating Liverpool from the parish of Walton, P.R., i, 326. In spite of the fact that he has, as I think, entirely misconceived the nature of the constitutional issues of the period, and failed to grasp the significance of many of the documents he quotes, *Picton's Records* are at their best for this period, being better selected and infinitely better arranged than for the previous periods.

3. Cf., *Norris Papers*, 21.

of burgages, in Liverpool the whole body of Freemen exercised the franchise. How it came about that Liverpool preserved this degree of popular election, and saved this power at least from the Common Council, there is nothing in the Records to tell; but probably it is due to the fact that public interest in parliamentary elections began in the first half of the seventeenth century, when, as we have seen, the Common Council in Liverpool had not yet completely robbed the Assembly of Freemen of all political powers; and the rights of election by the Freemen being then established, when it was valued, could not later be overthrown. Thus Liverpool became one of the most democratic constituencies in England. It is true its franchise was not so wide as that of boroughs with the 'potwalloper' franchise, where every householder voted; for there were a good many householders in Liverpool who were not Freemen, and who were very badly treated by the governing body. But until well on in the eighteenth century the freedom was granted very easily, so easily that fines for admission formed a substantial part of the town's revenue; and it is probable that down to about 1750, when the opposite policy began to be followed, the great majority of the inhabitants were Freemen and entitled to the parliamentary franchise.

This age of rapid growth in trade is also of the first importance in the history of municipal institutions, which then, in the course of a series of vehement party struggles, became finally fixed in the form which they retained till the Municipal Reform Act of 1835. In this age also the borough finally got rid of the shadow of baronial suzerainty, against which they had struggled with such varying fortunes throughout almost the whole course of their history. It is with the purchase of the Molyneux lordship that the story of the Restoration period commences, and it is worth noting that the burgesses were getting rid of the relics of feudalism in Liverpool almost at the same time that Parliament was buying up the feudal rights of the crown.

The Restoration, as a matter of course, destroyed all concessions which the borough had obtained during the Commonwealth, and restored to Caryl, Lord Molyneux, the lordship with all its vague claims which his father Sir Richard had only begun to investigate when he was interrupted by the Civil War.¹ The cavaliers, like the *émigrés* of France, learnt nothing and forgot nothing during their exile. Immediately on taking possession, Lord Molyneux renewed in the Duchy Court at Lancaster² the action which his father had brought against

1. See p. 95.

2. P.R., i, 134.

the burgesses in 1639 for invasion of his rights as tenant of the lordship. At this period it was sure to go against the burgesses, and, pocketing their pride, they approached the great man in the hope of making an accommodation. As in 1639, they undertook to pay £20 per annum as a quit-rent for their disputed privileges; and the quarrel seemed at an end. But the agreement had evidently been badly drawn, for in the next year a new dispute broke out.¹ Lord Molyneux expected the burgesses not only to pay him £20, but in addition to pay for him the 'burgage rent' (as the old 'fee-farm rent' is now called) of £14 6s. 8d. due to the crown under the terms of the sale of the lordship in 1628; the burgesses, on their side, held that by the agreement the burgage rent 'ought to have been by him paid and discharged' out of the £20. This dispute went on for some years, the burgesses regularly paying their £20, and regularly refusing to pay a penny more: when in 1669 it was merged in a new quarrel of far greater importance.² Lord Molyneux was making a new road, the modern Lord Street, through the old orchard of the Castle down to the pool; and he began to build a bridge over the pool to continue his road over the waste without consulting or obtaining permission from the town. This raised the whole question of ownership of the waste,³ and amounted to a denial of the burgesses' title and a claim to possession on the ground of the lordship grant. The Council took alarm. The Mayor obtained legal opinion, acting on which he had the bridge pulled down, and seized certain stones which had been taken from the waste for building. Lord Molyneux, fiery old cavalier, responded with a whole series of actions of law against the borough and its agents, 'all which suits concern the interest and title of the Corporation of Liverpool as to their claim in the waste grounds of Liverpool.' It was the first time, so far as the records show, that the issue had ever been brought up; and not content with attacking the waste, Lord Molyneux raised also other long dormant claims: 'other suits are threatened against the said Mayor for withholding the tolls and other duties and customs of this town,' by the Lord Molyneux or some on his behalf.⁴ The

1. P.R., i, 134.

2. P.R., i, 135.

3. P.R., i, 275-281.

4. Picton maintains (*Memoriali*, i, 133) that 'there is no evidence on the face of the documents to show that Molyneux ever laid claim to a foot of land beyond the pool,' and considers it 'absurd' that the commons should be supposed to be claimed under the grant of lordship. But in his later *Records* (i, 275) he says, 'Lord Molyneux considered the commons as part and parcel of his purchase; he could take no other view in face of the documents which he printed, and which speak (to take a single example) of 'suits which concern the title of the Corporation of Liverpool . . . in the waste grounds of Liverpool.' There was nothing 'absurd' in the contention that the grant of lordship conveyed a claim to the waste, even if it was not specifically mentioned; since, as we have seen, the waste was always held to belong to the lord.

5. P.R., i, 277.

Council, on their side, replied by an application to buy up from the crown for a lump sum the 'Burgage and Chantry rents,' or, in other words, the right to receive from Lord Molyneux his annual £14 6s. 8d. If this application (which was, of course, met by a counter-application from Lord Molyneux) had been successful, the relation between the borough and their old enemy would have become bewilderingly complicated. With regard to the main actions, they record their resolve¹ to prosecute them to the bitter end: if they are defeated, the Mayor must take out Writs of Error, and fight the case through every court. Had the cases been fought out, the arguments of counsel and the findings of the court would have been full of legal and constitutional interest. But it seems to be certain that the borough would have won; there could be no getting over that fortunate clause of Charles I's charter, issued before the sale of the lordship, which gave the burgesses all lands which they then held, however they had obtained them. Probably it was this which persuaded Lord Molyneux, after two years' fighting, to agree to a compromise. By this epoch-making settlement,² which substantially put an end to feudal power over Liverpool, Lord Molyneux was permitted to build his bridge on payment of a nominal rent of 2d. per annum in recognition of the town's right of property in the waste. On the other hand, he granted to the borough a lease of the lordship with all its rights, dues, and customs, excepting the ferry, and the burgage rents (which had to be paid to the crown) for one thousand years at £30 per annum.³ In 1777 the lease was bought up from the then Lord Molyneux, and the ancient connexion of that house with the government of the town came to an end.⁴ But it was nothing more than formal after 1672. Molyneux was nominally lord of the town; but his lordship was limited to the annual receipt of £30. He retained his claim to be hereditary Constable of the Castle; but even that was denied,⁵ and the crown appointed other constables. But it was now a matter of indifference to the town who was constable, for his castle had been dismantled and his office was merely titular. Feudalism was gone; the borough was freed from all semblance of external control, except by the supreme authority of parliament. The theme of struggle against baronial power, which has hitherto played so great a part in our story, comes to an end, and we must concentrate our attention upon the internal struggles and disputes of the burgesses, now becoming vehement.

1. P.R. i, 277.

2. P.R. i, 278.

3. Chap. II, No. 48.

4. Chap. II, No. 50.

5. P.R., ii. Having been a strong supporter of James II, and suspected of conspiring against the new government (for which he was tried on a charge of high treason in 1694), Lord Molyneux had, after the Revolution, been stripped of all his crown offices, including the Constablership of Liverpool Castle. Molyneux denied the right of the crown to deprive him.

We have seen that during the Civil War the predominant sentiment of Liverpool had been Parliamentary and Puritan. As in the greater part of Lancashire, Puritanism continued to be powerful after the Restoration. When the Cavalier party had established itself in power at Westminster, the Roundhead corporations which ruled so many towns throughout the country were 'purged' by the stringent provisions of the Uniformity and Corporation Acts. Commissioners came down to Liverpool¹ in 1662 and 1663 to administer the oaths, whose object was the exclusion of all Puritans; they deposed the Town Clerk, five Aldermen (all of whom had held the Mayoralty during the Commonwealth), and seven Councillors, who declined to take the oaths. The Council itself filled up the vacancies among the Common Councilmen; but the Commissioners nominated the five new Aldermen, and probably did their best to see that they were 'well-disposed.'² But these measures did not get rid of the Roundhead element in the Council: there were many who were Roundhead in politics but quite ready to take the Sacrament according to the rites of the Church of England and to renounce the Solemn League and Covenant. Among the new Councillors was included Thomas Birch, who had been a colonel in the parliamentary army and military governor of the town during a part of the war. It is reasonable to suppose that the Council which elected Birch still included, in spite of the oaths, a very substantial proportion of Roundhead members. But at a period when the Cavalier party in the country, in the intoxication of its return to power, were hounding down the Roundhead party and trying to crush it out of existence, the Cavalier party in the Town Council, we may be sure, must have desired to push their advantage in the same way. The story of the period from 1660 to the Revolution is the story of a prolonged contest between two political parties in the borough. One of these parties is connected with the Court party in national politics, and uses that relation to establish its own power in local politics by the abolition of such relics of popular control over the borough government as still survived. The other party is connected with the country party in national politics, and, after long having the worst of the struggle, returned to power at the time of the Revolution; in local politics they stand for the maintenance of such elements of popular control as existed in the time of Charles I, though they show no desire to extend that. We may

1. P.R., i, 238.

2. If so, they were not entirely successful, for one of their aldermen, Peter Lurting, was among the most vigorous members of the opposition throughout the period.

call these parties what we like—High Church and Low Church—that difference also divided them, though church politics play an insignificant part in the strife; or Anglican or Puritan, though it would be a mistake to suppose that the majority of the opposition party were really Puritans; or Cavaliers and Roundheads, though these words are now almost an anachronism. I shall employ the names Tory and Whig, as being in every way the most convenient, though they did not come into use till towards the end of the period.

In the first decade of the Restoration, the opposition of the parties does not seem to have been very acute or clearly defined. Perhaps the admission, in 1662, of thirty-eight new Freemen¹ in a batch, nearly all powerful landowners of the district and presumably good church and king men, may have been intended to alter the Puritan complexion of the borough. In 1669² complaints were made to the Privy Council (perhaps by burgesses of the opposite party) with regard to the election of the Mayor, who had not taken the oaths in 1662, and was, therefore, a Whig. But twenty-three members of the Council out of forty supported the Mayor, and voted that the costs of any action against him should be borne by the borough. Probably that figure represents the strength of the Whig interest in the corporation, though the number may have been swollen by civic loyalty or personal friendship. In any case, it would seem that the Council was pretty evenly divided. It may be that the disputes with Lord Molyneux had hitherto prevented the outbreak of war between the two parties.

But in the last months of 1672, the Molyneux fight being over, the party feud broke out with violence. The Tories had obtained a majority in the Council,³ and the Mayor, Silvester Richmond, was an active member of that party. At the first meeting after his election⁴ a 'paper of libell' was brought before the Council, 'pretending itself to be a remonstrance against some pretended grievances, the same paper being of itself very scandalous and of bad consequence, imposing an unjust impeachment upon the late magistrates and government of this town.' It was evidently suspected that members of the Council had had a hand in the libel, for the Council declared that any person found to have done so 'shall be from henceforth deposed from his place of a Common Councilman.' Such depositions would conveniently get rid of the opposition leaders. The records are provokingly silent as to the nature of the grievances alleged in the libel, but I suspect that

1. P.R., i, 240.

2. P.R., i, 245.

3. Twenty-nine members support the Mayor in the condemnation of the 'libel of grievances' mentioned in the text.

4. P.R., i, 246.

they were connected with the elections of the town officers on the preceding St. Luke's Day, and the suspicion is strengthened by a riot which took place on the next election day. At the Assembly of Freemen on St. Luke's Day, 1673,¹ after the new Mayor had been 'duly elected . . . for the ensuing year, and declared publicly in open court by Mr. Silvester Richmond, present Mayor, to be so . . . the said court was adjourned.' But some Freemen present, to the number of twenty-six, declined to adjourn. They 'did riotously unite and assemble themselves in the Common Hall ; and refused to suffer the said Mayor . . . to pass out of the hall several times, and constrained him so often to return to his place, not without some violence to his person ; and kept him under their restraint by the space of two hours, and until he was enforced to call for aid of some of his officers without, with their halberds to enlarge and secure his person and several others of the Aldermen, the Bailiffs, and other of the Common Councilmen then present.' For this riotous behaviour the twenty-six were deprived of their franchise, a deprivation which would strengthen the ascendancy of their opponents. But the records preserve a tantalizing silence as to the reason for which the twenty-six were so anxious to continue the session of the Assembly. No account is given of their proceedings or of the resolutions they passed—probably because the Council, regarding them as illegitimate, could not have them entered in the records. They may have tried to enforce the power of passing bye-laws, which the charter gave them.² But the adjournment immediately after the election of the Mayor is suspicious ; it suggests that the Assembly was not allowed to elect the bailiffs and inferior officers, and that this function had been usurped by the Common Council. Probably the 'scandalous libel' of the previous year was an attack upon this same usurpation, which may have been then just commenced. As the election of the bailiffs formed the only means which the Assembly had of influencing the composition of the Council, the strenuousness of the opposition is easily understood. And it seems as if the situation in 1673 was that there was a Whig majority among the Freemen, but a Tory majority in the Council ; and that the Tory Council had taken these steps to secure its own majority, while it also weeded out the more recalcitrant Whigs from the Assembly. This is, of course, only a guess ; but it is a guess which is supported by the terms of the charter of Charles II. That charter legalised the usurpation which the Council had made. At the same time the Council was doing its best

1. P.R., i, 247.

2. Cf. the proceedings of the Assemblies of 1735 and 1791, described in the next section.

to keep its actions secret. In 1672¹ it declared that if any member was convicted, or found by strong presumption, to have 'discovered or disclosed any part of the acts or things here done in Council,' he shall be deposed and subjected to a fine of £40 if an Alderman, £20 if an ordinary member. So that the Freemen are not even to be informed by their rulers what these rulers are doing.

The Whigs did not allow their opponents to establish their ascendancy without a struggle. In 1676 there was a Whig Mayor;² for the highest office still remained open to the Whigs so long as the Assembly was permitted to elect to it. In conjunction with three Whig Aldermen,³ the Mayor, just before the annual election day, admitted a number of new Freemen without consulting the Council. No doubt they were Whig Freemen, and the object must have been to ensure the Whig majority in the Assembly before the election day. There seems to have been a majority in favour of another Whig Mayor,⁴ but the Council declined to accept his election on the ground that he had been struck off the Commission of the Peace for the county, and was therefore unfit to hold any office in the borough. At the same time they declared the admission of all the new Freemen to be null and void as not having been previously approved by them.

The immediate outcome of all this strife was the issue of a new charter⁵ during the year following this disputed election. For some years the Council had been agitating for a new charter, perhaps to remedy the defect of the charter of Charles I in making no mention of the Council and its powers and therefore leaving them insecure. In 1664 £80 was raised to pay the costs of an application,⁶ and in 1666, and again in 1667, the application was renewed, Lord Derby being elected Mayor in order that his powerful influence might be engaged in its favour. But these attempts were resultless, possibly because there was still a Whig majority in the Council. Had a new charter been granted at this date, there is little doubt that its terms would have been very different from those of the charter of 1677. For the main purport and effect of this document was to establish impregnably the ascendancy of the Tories; an aim completely in accordance with

1. At the same meeting which condemned the 'libel,' P.R., i, 246.

2. P.R., i, 248.

3. Thomas Andoe, Peter Lurting, and Thomas Johnson. Lurting and Johnson seem to have been the leading spirits of the Whig party. Both declined to accept the Charles II charter. It was a Richard Lurting, probably a young relative of Peter, who was ringleader in the riotous assembly in 1673. Johnson took the lead later in the agitation for the overthrow of the Charles II charter, and his nomination as the first Mayor in the William III charter looks like a recognition of his long services as an opposition leader. He was the father of Sir Thomas Johnson, the most active public man in Liverpool at the end of the seventeenth century and the beginning of the eighteenth.

4. P.R., i, 248.

5. Chap. I, No. 9.

6. P.R., i, 243-4.

Charles' whole policy towards the English boroughs. The charter was obtained evidently by the Tory majority of the Council without consulting the Assembly of Burgesses. In the charter of William III' by which its main provisions were repealed, it is described as having been obtained 'by a few of the burgesses by a combination among themselves without the assent of the greater part of the burgesses, and without a surrender of the previous charter or any judgment of *quo warrantio* or otherwise given against the same.'

The first point about the new charter is that by it the authority of the Council was firmly established. Its numbers are fixed at sixty, and the full roll of the first Council is given. It is to be noted, to the credit of the triumphant majority, that they did not use this excellent opportunity to expel their defeated rivals from the Council altogether. The Councillors are to continue in office 'during the term of their natural lives,' and vacancies are to be filled by the Council itself, which is also given power to expel any of its members 'for reasonable cause.' So far the new charter probably only recorded the existing practice, except that the number of the Council was increased from forty to sixty. The reason for this is supplied by another provision: 'fifteen persons of the aforesaid sixty . . . may and shall be burgesses of the said town *dwelling without that town*.' Now the burgesses 'dwelling without the town' were almost all landed gentry of the vicinity, and generally sound Tories; and this provision secured to the Tory party a steady phalanx of voters who could be called up on an emergency. But the boldest innovation still remains unmentioned. It is, that in future the Mayor and bailiffs shall be elected by the Council, and no longer by the general Assembly of Freemen.¹ By this clause, the powers which the Council had recently usurped were confirmed, and the Freemen lost the last relic of political power in the borough, the last semblance of control over the Council; nor was there left to them any chance of ever regaining control so long as the charter held good. The nomination of Freemen also is made a function of the Council,

1. Chap. I, No. 12.

2. Incredible as it may appear, this vital clause has entirely escaped the notice of Picton; who sees in the charter only an attempt to legitimate the authority of the Council. All the opposition to it he puts down to the desire to restore the supremacy of the burgess-body, in spite of the fact that when the opposition obtained a charter of its own in 1695 it did *not* restore the authority of the burgess-body, and *did* include a clause establishing the power of the Council. Thus, for this author, there is no difference between the charters of 1678 and 1695. He does not adduce, either in his *Memorials* or in his *Records*, a tittle of evidence in support of his view. The same view is shared by Baines. Both have been misled, first by failing to read carefully the Charles II charter, and secondly, by the fact that the charter of Charles I did not mention the powers of the Council, from which they illegitimately conclude that it abolished them. Picton continually speaks of the 'usurped' powers of the Council, a description for which no justification can be found in the records, except as regards the election of officers, to which Picton makes no allusion.

but this had probably long been the case. One new privilege of value the charter granted, in making the Mayor a Justice of the Peace for the county as well as for the borough. But taken as a whole it is to be regarded simply as a stratagem of the dominant party; and as devised to establish the narrowest type of oligarchy, impregnable and irresponsible, in absolute mastery of all the resources of the town. It is only surprising that no clause should be found in the charter conferring on the Council the election of parliamentary representatives; for that would not only have been acceptable to the ruling clique and justifiable by the analogy of other boroughs, it would have been entirely in accord with the policy of Charles with regard to the boroughs, which aimed at transforming them from strongholds of Puritanism into Royalist fastnesses.

The new charter inevitably aroused bitter opposition. Four of the Aldermen, including Thomas Johnson, who had throughout played the leading part in opposition, declined to take the oaths under the charter,¹ and were accordingly dismissed from the Council, and the Whigs who remained were left leaderless. Opposition was wholly impotent; the Council simply disregarded its rumblings. Yet even this courtier and high Tory Council was far from being entirely subservient to the king. They were High Churchmen as well as royalists, and shared the alarm of their party throughout the country at the period of the Popish plot, and their vague suspicions of the king. In 1680—the year when the struggle over the Exclusion Bill was at its height—a circular from the Privy Council demanding particulars as to the execution of the Test and Corporation Acts was seized upon by the Liverpool Tories as a pretext for presenting an address² to the crown, in which their religious fears were expressed under a veil of devotion. Charles II, who had a sense of humour, must have enjoyed the address if he ever read it. They thank the king for his steadfast adherence to the true Protestant religion, ‘notwithstanding your many and great temptations to the contrary,’ and for the testimony provided by the circular that the king would ‘endeavour the extirpation of Popery,’ and they end by undertaking to spend their lives and fortunes in defending his Majesty’s ‘royal person, heirs, and lawful successors, against all Popish contrivances and devices whatsoever.’ No doubt the last sentence indicates opposition to the Exclusion Bill, though it is not easy to see how the attempt to exclude the ‘Popish’ James from the throne could be regarded as a ‘Popish contrivance.’ But the tone

1. P.R., i, 249.

2. P.R., i, 251-2.

of the address suggests that there was a limit to loyalty. A further address, after the Rye-house plot in 1683,¹ when the No Popery craze was forgotten, and Toryism was at the flood in England, becomes rhetorical in the fervour of its loyalty, with its detestation of that 'sort of men whose infectious anti-monarchical principles are enough to empoison all who are not sufficiently prepared with the infallible antidote of loyalty,' and its fervent prayer that 'the counsel of your faithful Hushais shall ever prevail against the united force of all aspiring Absaloms, and the desperate advice of all pestilent Achitophels.' The allusions to Dryden's satire show how closely the movement of political thought was now followed in the once remote and isolated borough.

But this fervent royalism was ill-rewarded. After his victory over Shaftesbury and the Whigs, Charles II proceeded to a systematic overhauling of borough charters, with a view to getting effective control especially over parliamentary elections. Among the rest, in spite of the thoroughly Tory character of its Council, a surrender of the last charter was in 1684 demanded from Liverpool;² and on August 19th of that year the Mayor travelled to Warrington and formally surrendered the precious document to the Lord Chief Justice—the famous and infamous Sir George Jeffreys. Before a new charter could be prepared, Charles II died; so that the charter is known by the name of his successor, James II.³

In some ways the charter of James II is the best of the whole series. The charter of Charles II was evidently drafted in haste, or by some inexperienced pen; for it fails to define many of the powers of the Corporation, saying nothing, for example, about the functions of the Recorder, and omitting some of the most important clauses of Charles I's charter. The James II charter is full and well drafted, and presents a very clear summary of the borough government and its powers. In substance it is simply a restatement of the provisions of its predecessor. The Council is left with the same constitution and the same powers as in the preceding charter; though the mode of election of the Mayor and Bailiffs is not actually defined, but is ordered to be conducted according to the practice of the previous five years: a curiously informal way of confirming the Charles II provision.⁴ There are a few minor details which are new, but on these we need not linger, since the charter lasted only during the reign of the monarch

1. P.R., i, 253.

2. P.R., i, 254.

3. Chap. I, No. 10.

4. Picton actually says (*Records*, i, 256) that the new charter 'restored all the privileges of the burgesses which had been handed over to the self-elected Council by the charter of Charles II.' What can have put this amazing idea into his head? Evidently he had not read the charter.

who granted it. But there are two essential novelties which form the reason for the issue of the charter. One is the power granted to the Mayor and senior and junior aldermen to administer the oaths of Supremacy and Allegiance 'to any person or persons residing within the borough whom for any cause they may suspect to be evilly disposed to . . . the government . . . as it is now established in Church and State.' This would enable them to clear the burgess-body of pronounced Whigs, and so influence the parliamentary elections, the only function now left to the burgesses. The other is a clause reserving to the crown 'full power and authority . . . at all times . . . to remove . . . the Mayor, Recorder, Common Clerk, and any one or more of the Aldermen, Common Council, or Bailiffs.' This clause, which gave the crown a weapon whereby to keep the Council in subservience, was the real cause of the surrender of the old charter and the issue of the new. It was intensely unpopular even with the high Tories of the Council, and, as subsequent events showed, they were very willing to allow it to remain a dead letter. Perhaps the fervour of their loyalty began to abate from this moment. Already, in 1684,¹ a Tory alderman had been deposed by the Council for 'refusing to promise that he would attend no unlawful meetings.' And loyalty was severely tried a little later when the king intervened to protect two Roman Catholics from the persecution of the High Church Council. These were a surgeon, one Richard Lathom, and his wife, who kept a school.² Both were prosecuted in the borough courts in 1687 for pursuing their professions, being 'Papists.' Thereupon down came a mandate,³ signed by the pervert minister, Sunderland, ordering the officers of the town to stop all proceedings, and to remit any fine or penalty which they might have imposed. Apparently they persisted in pursuing the Papists; for a little later a further mandate⁴ arrived removing from their offices the Deputy Mayor, Oliver Lyme, and the senior alderman, Silvester Richmond, who had probably presided in the court which punished the Lathoms. The Council accepted the removals, but, we may imagine, not with the best will. Their increasing alienation from the crown was strikingly shown when three months later the king, with a view to the election of a new Parliament, sent to the Mayor an enquiry as to whether he would 'assist and contribute to the election of such members as shall be for taking off the penal laws and test' (against Catholics).⁵ The Mayor

1. P.R., i, 255. The deposed alderman was Mr. James Jerrom, who had been elected Mayor at the riotous Assembly of 1673.

2. P.R., i, 256.

3. *Ibid.*

4. P.R., i, 257.

5. P.R., i, 257-8.

replied guardedly but not obscurely, 'that what is required by his Majesty is a very weighty and new thing ; and that he was not provided to give any other answer but this : When it shall please the king to call a new Parliament, he purposed to vote for such persons as he hoped would serve the just interests both of his Majesty and the nation.' In Liverpool, as throughout the nation, the folly of James had sacrificed the support of an ardent Royalism that stopped short only when the Church was threatened. Probably by this time the majority, even of the Tory Council, were ready to welcome the revolution and the accession of William III, though these events were before long to bring about their own overthrow, and the establishment in power of their rivals the Whigs.

Yet, just at first, the revolution made little difference in the government of the town. The Council seized the opportunity quietly to drop the James II charter and restore that of 1678, and their first act was to restore to their positions Lyme and Richmond,¹ who had been 'removed' in the previous year. Some of the Whigs² who had declined to take the oaths in 1678 returned to their seats, and in 1693 a Whig held the Mayoralty³; perhaps this was a sign of the general oblivion of party feuds which for a brief period accompanied the revolution. But on the whole the Tories remained dominant, and they seemed to be quite secure when, in 1690, they obtained from the new king an *Inspeximus*⁴ and Confirmation of the Charter of Charles II, which seemed thus to be restored to full authority.

If there had been a momentary reconciliation, it was shortlived. In an overwhelming majority among the Freemen, the Whigs found their continued exclusion from power intolerable, and began an agitation for a new charter. Their strength in the borough was strikingly demonstrated at the parliamentary elections. In 1689 two Whig members were returned,⁵ and in 1694⁶ a Whig candidate polled four hundred votes against fifteen cast for his opponent. But the latter election showed the desperate determination of the majority in Council to retain their power, for the Mayor actually declared the defeated candidate duly elected, for which he was reprimanded before the bar of the House of Commons. This election was regarded as a

1. P.R., i, 260.

2. Thomas Johnson, for example, is back as Alderman, and signs a deed in 1690. P.R., i, 281.

3. Jasper Maudit, who in the next year was elected to Parliament as a Whig.

4. Chap. I, No. 11.

5. See *Norris Papers*, 21 (Chet. Soc., ix), where a detailed account of the expenditure on treating is given. The cost was equally divided between the two candidates, Lord Colchester (son-in-law of Lord Derby) and Thomas Norris.

6. P.R., i, 261.

direct triumph for the New Charter men over the Old Charter men, as the two parties were now described. The majority in the Council could use the town revenues in the struggle, and in a resolution of March, 1695, they authorized the Mayor—the same who had made the false return—to expend whatever money was necessary in the defence of the charter.¹ But the Whigs on their side, led by the two Johnsons, father and son, taxed themselves to meet this opposition,² and the members for the borough, both Whigs, laboured hard in London.³ It was on a technical point that they claimed the suppression of the 1678 charter—namely, that its predecessor, the charter of Charles I, had not been surrendered before its issue. But doubtless they owed their triumph to the ascendancy of their own party in Parliament, for not even the appearance of a new opponent in the Cheesemongers⁴ of London (whose opposition was based on grounds which will be more conveniently dealt with in the next section⁵) availed to prevent their victory, and in September, 1695, the second charter of William III was sealed.

The William III charter,⁶ which remained the governing instrument of the borough till 1835, disregarded altogether the charter of James II, presumably because it had already been made null and void by the *Inspeximus* of 1690, and formally repealed that of Charles II, on the ground that it had been improperly obtained. Unfortunately—probably owing to careless drafting—it did not also repeal the *Inspeximus* of 1690, which had confirmed the Charles II charter; and this omission was the cause of a good deal of trouble later. It is the first of a series of amazing examples of bad drafting, with which this charter abounds. The object of the new charter was not to introduce innovations, but substantially to restore the burghal constitution as it had existed in the early years of Charles II; for the Whig revolution, in the constitution of Liverpool as in the constitution of England, was far from being a liberal or democratic revolution, and aimed only at re-establishing and clearly defining the system of government as it was conceived to have existed before it was overturned by the absolutist policy of the court party. But this intention was extremely badly carried out, owing to bad drafting. The charter begins by reciting in full, and confirming, the charter of Charles I, because that had been the governing instrument at the period named. But the charter of

1. P.R., i, 262.

2. P.R., i, 263; where a resolution of the new Council ordering their repayment is printed.

3. *Norris Papers*, 25-30 (Chet. Soc., ix).

4. P.R., i, 265.

5. See p. 125.

6. Chap. I, No. 12.

Charles I had made no mention of the Council, though that body certainly existed and exercised full powers at the time it was granted. This omission the new charter rectified by recognizing the existence of the Council, reducing its numbers however to the old figure of forty-one members, and striking out the outside burgesses who had been introduced in 1678. The life-tenure of office by members of the Common Council was also formally authorized subject to the right of the Council to depose any of its members 'for just cause.' Carrying out the principle of a restoration of the ancient practice, it was laid down that vacancies in the office of Mayor, Recorder, Bailiff, or Councilman should be filled 'in such manner, time and form as in that particular was used and accustomed before the making of' the charter of 1678. This restored to the Assembly of Freemen the right of electing the Mayor and Bailiffs. It seemingly preserved, and was intended to preserve, to the Council the right of filling vacancies in its own membership, for that had certainly been the practice 'before the making of' the 1678 charter as well as after it. And the definite grant to the Council of the right of deposing any of its members 'for just cause' clearly suggests that they possessed the correlative power of appointment. But the absence of precise definition on this point left room for disputes later, and for the advancing of a claim on the part of the Freemen to elect to vacancies in the Council, of which we shall see something in the next section. A still more serious omission was that of any attempt to define the powers of the Council. No doubt it was the intention of the drafters of the charter that the Council should exercise all the powers they had exercised before 1678, that is to say, the whole governing powers of the borough; this is a fair inference from the fact that they did actually exercise these powers in full in the years immediately following 1695. But the charter, by conferring no definite powers upon the Council, and by at the same time confirming the Charter of Charles I which gave in general terms to the whole body of Freemen the supreme power of control, left open the possibility of asserting that the Council could only exercise such powers as the Assembly chose to delegate to it, and that the Assembly could at any time resume the right of passing bye-laws which would override the edicts of the Council, or take into its own hands the nomination of Council members. This vagueness was a fruitful source of controversy in the next century. But nothing provides more striking evidence of the carelessness with which this charter was drawn up than its 39th clause. 'We grant,' says this extraordinary clause, 'to the Mayor, Bailiffs, and Burgesses of the said town . . . that the

Mayor, Bailiffs, and Burgesses of the said town for the time being, or any twenty-five of them assembled (of whom the Mayor and one of the Bailiffs of the said town for the time being we will to be two) be, shall be, and may exist a Common Council of the said town, and shall be able and be empowered in this kind of Common Council (*huiusmodi communi concilio*) to do, ordain and perform all things as fully as if all the forty-one Councilmen of the aforesaid town were present and assembled in Common Council.' There are two possible interpretations of this clause. The Council itself, throughout the eighteenth century, held that the clause simply fixed its own quorum, and laid down that no business could be legally transacted unless the Mayor, one Bailiff, and twenty-five members were present. But in face of the specific mention of the burgesses, and the phrase 'this *kind* of Council,' which clearly implies that the body referred to was different from the Council, it is difficult to accept this reading. On the other hand it was maintained that the object of the clause was to empower the Assembly of Freemen, provided there was a quorum of twenty-five, and the Mayor and one Bailiff were present, to transact any business which the Common Council could transact. This power of resuming full authority and overriding the Council they had certainly possessed under terms of the charter of Charles I, which gave ultimate authority to the burgess-body ; and the definite statement of the right was quite in accordance with the general principle of restoring the old system. There is no evidence that the Assembly of the burgesses had ever exercised this over-riding power ; but it would be a useful means of preventing the Council from getting so completely out of touch with the burgess-body as it had done since the Restoration. My conclusion, therefore, is that the Whig leaders, while leaving to the Council in ordinary times unlimited authority over the affairs of the borough, wished to retain a means for the re-establishment of the power of the burgesses in moments of crisis, and to prevent the Council from making itself absolutely independent of all popular control. To prevent frequent and irresponsible interferences by the unwieldy body of Freemen, their proceedings were made illegal unless they were shared in by a Mayor and a Bailiff. This placed a great deal of power in the hands of the Mayor. It gave him the power of determining whether or no, on any particular occasion, the burgess-body should resume its rights. Nay more : owing to the careless drafting of the clause, an unscrupulous Mayor and Bailiff, if they could get the support of any twenty-five Freemen (which they could always do) might entirely disregard the Council, decline to summon full Assemblies, and

take the whole management of the town's property and affairs into their own hands.

The wording of the charter in many important points is thus so vague that it would be almost impossible to predict what view would be taken in a court of law of the powers it gave to the Mayor, or the Council, or the Burgess-body. But the intention of the Whig leaders who drew it up is clear enough. They wished to restore the old practice ; to establish the Council as a self-electing body whose members sat for life, controlling in ordinary times the whole machinery of the borough, and exercising the power of making bye-laws as well as of administering the town property, but to render possible the resumption by the burgess-body of full powers whenever that seemed necessary, and the Mayor permitted it ; and this would of course include the right of passing regulations governing the Council's powers and procedure. It was a clumsy enough system, very liable to break down ; and it did break down, for the restoration of the powers of the burgess-body was never permitted by the Council. There seems to have been no desire to make use of the Assembly in the years immediately following the grant of the charter, probably because the majority in the Council was now in agreement with the Assembly, and when the desire came the Council was too strongly established to be shaken. Thus the immediate effect of the charter was to leave the borough under the rule of the close corporation which had governed it since 1580, only re-establishing that modest degree of popular control which was involved in popular election of the chief officers. It is, indeed, probable that the constitution of the borough after the Revolution was less rather than more liberal than it had been in the earlier part of the seventeenth century. For the charter of William III, by ordaining that 'there shall be a Common Council . . . of whom one shall be Mayor and two Bailiffs,' rendered possible the interpretation, uniformly adopted during the next century, that the Mayor and Bailiffs must be elected from among the existing members of the Council, and there is no evidence that the choice of the Freemen was thus restricted in the first half of the century. This clause, or this interpretation of it, practically took out of the hands of the burgesses any power of control over the membership of the Council such as they could have had if they had been able to elect each year three officers who, whether councillors or not, thereupon became members of the Council. The English Revolution of 1688 has been called 'the most Conservative revolution in history'; the Liverpool revolution of 1695 deserves to share the description. Indeed, so singly were its leaders thinking of merely restoring their old constitution, that they forgot to retain the single valuable privilege which

the charter of Charles II had conferred, and had to obtain a supplementary charter in 1698—the third of William III—in order to continue to the Mayor the right of serving as a Justice for the county.

But though the Whigs were moderate enough in the constitutional changes which they introduced, they made full use of their victory to secure for themselves a majority in the new council. The reduction of the number from sixty-one to forty-one gave an opportunity for weeding out the strongest of their opponents; but that does not seem to have contented them, for in the list of the Council given in the charter of 1695, there are only ten names, including the Recorder's, which also appear in the charter of 1685, and death cannot have worked so much havoc in ten years. It is clear that the Whigs used their victory, in this respect at any rate, less leniently than the Tories in 1678. They clearly utilized the occasion to get a Council appointed in which they would have a handsome majority.

The Tories were no more ready to submit to the charter of 1695 than the Whigs had been to submit to that of 1678. Even of the Council which the Whigs themselves drew up, two aldermen (out of five) and four councillors refused to serve.¹ The ex-mayor, Alexander Norris—the hero of the false return of 1687—who had been deposed from his office, omitted from the Council, and replaced by the old Whig leader, Thomas Johnson, now declined to surrender the town plate,² which he seems to have retained as security for the expenses he had incurred in defending the old charter. Even now the 'old-charter men' had not given up hope of seeing the new system overturned. They had some show of legal ground for impugning its validity: indeed, their position was, curiously enough, identical with that of the Whigs in attacking the Charles II charter, namely, that there had been no formal surrender of the previous charter (the charter of Charles I in the one case, the *Inspeximus* of 1690 in the other) before the new charter was granted. But they had to wait for a restoration of Tory ascendancy in the national councils before there was any prospect of success. Their opportunity came in 1710, when the great Whig ministry of Marlborough and Godolphin fell before a wave of High-church Toryism. At once the strife between parties in Liverpool was revived.⁴ The agitation for the restoration of the old charter was led by the Rev. Henry Richmond, one of the rectors of the town. The Council itself was deeply divided. One party petitioned the Queen 'in the name of the Mayor, Bailiffs, and Burgesses' for a writ

1. Chap. I, No. 13.

2. P.R., i, 263-4.

3. P.R., i, 264.

4. P.R., ii, 4-7.

to have the whole case tried, and the Mayor was a strong supporter of the movement.¹ The other party, still in a majority in the Council, voted that the income from the town dues should be pledged to find means for resisting the attack. The case dragged on for a year, and then lapsed. It did not, in the same form, emerge again; and the charter of William III remained the governing instrument of the borough.

Thus, after a long period of strife, the political system of the borough was at last fixed substantially in the form which it had assumed at the end of the sixteenth century. The last years of the seventeenth century saw an ecclesiastical as well as a political settlement, for in 1699 Liverpool was erected into a separate parish,² having been subordinate to Walton since the beginning of its history. The change involved some delicate adjustments, for the Rector of Walton had to be compensated for the tithes he lost, and Lord Molyneux, as patron of Walton, had to be compensated for the diminution in the value of his patronage. But the borough was now wealthy enough to smooth away all these difficulties with the excellent emollient of gold. In the new arrangement the borough government retained a large degree of control over the ecclesiastical affairs of the new parish, though not so complete as it had previously exercised over its private chapel of St. Nicholas. A new church—St. Peter's—was added to the ancient chapel on the shore, and the parish was made a double one, with two Rectors, who were appointed by the Council, and not allowed to forget the fact. But the creation of the parish involved the creation of a new administrative machinery, independent of the Council. The parish was responsible for the administration of the poor-law within its limits, and this involved the levy of a poor-rate, which was payable equally by all parishioners whether Freemen or not. As the Council was concerned only with the property of Freemen, it had nothing to do with the management of this rate, which was under the control of the vestry or annual meeting of all parishioners. The vestry elected the churchwardens and overseers of the poor; and there had thus been created, for one small sphere of administrative work, a special body distinct from the Town Council. The vestry was only the first of a series of such bodies which grew up during the next century. We shall not be much concerned with their proceedings, for our business is primarily to trace the development of the Council. But it

1. This may indicate that, following the movement of opinion in the country at large, the burgess-body now showed a Tory majority.

2. P.R., i, 324-327.

is worth noting that there had already begun that division of authority which was to remain a feature of municipal government down to the present day.

During this age of constitutional strife and constitutional development, the Council, which under every charter equally remained the pivot and centre of the burghal system, had been defining its own procedure, and laying down rules appropriate to the high dignity it exercised. Its meetings were now held (as they had perhaps long been held, and continue to be held to-day) on the first Wednesday of every month, at 1 p.m.¹ Every member was expected to be present at every meeting; absence without reasonable excuse rendered him liable to a fine of three and fourpence.² Aldermen, Bailiffs, and Common Councilmen all had gowns 'of ancient fashion' according to their dignity.³ They were expected to wear them at all meetings and on public occasions, on pain of a fine of six and eightpence; but the practice seems to have been laxly held—Englishmen are generally shamefast about such 'mummery'—for the enactment has to be made afresh repeatedly. The lesser officers wore cloaks, doubtless also 'of ancient fashion,' and silver badges of office.⁴ The Mayor had four halberdiers told off for his service, two of whom attended him 'upon all occasions'; and when he took the chair at Council meetings, a mace⁵ lay before him, 'richly gilt and engraven with his Majesty's arms and arms of the town,' and gave due solemnity to the counsel of the Conscript Fathers. In 1673 the Council took possession of its handsome new town-hall,⁷ which, 'placed on pillars and arches of hewn stone,' occupied the site of the humble old thatched Common-hall, from which their predecessors had looked forth upon the overshadowing fortresses of the Molyneuxes and the Stanleys. On this occasion the order of debate was fixed,⁸ with a formality that shows a pleasing sense of the dignity and importance of the Council's work. The rules strangely resemble those of the stately senate of old Rome. The Mayor, like the Roman Consul, introduces the subject of discussion, and all present must give him 'due audience and observance.' Then at the call of the town-clerk each member of the Council in turn, beginning with the senior alderman and following the strict order of precedence to the end, states his opinion and records his vote. No member may interrupt, or speak out of his turn, or introduce matter irrelevant to the subject in hand, on pain of a fine of six and eight-pence.

1. P.R., i, 268.

2. P.R., i, 266, 268.

3. P.R., 268.

4. *Ibid.*

5. P.R., i, 269.

6. It was presented by Lord Derby in 1669. P.R., i, 269.

7. P.R., i, 271.

8. P.R., i, 265, 266.

If any member desires to introduce a motion, he must give notice to the Mayor at least two days beforehand. There is in all these provisions a fine dignity and seriousness. The members of the Council may have enjoyed an undue authority; they may often have made improper use of their position, regarding the rights and property of the town too readily as their own dispensable property. But clearly they thought of their position as carrying duties as well as rights; and placed very high, as public men should, the dignity and importance of the functions they had to perform.

(10) The Eighteenth Century

If the progress of Liverpool had begun to be rapid in the latter half of the seventeenth century, it was bewildering during the eighteenth. It was in the first half of the period that Liverpool began to compete with Bristol and London in the West African slave trade, which has been the foundation of her fortunes ; and at the end of the century she had practically the whole of this trade in her hands. The trade with the American colonies now first began to assume large proportions. It became immense when, in the second half of the century, the power-loom transformed Lancashire into the greatest centre of industry in England : by 1800 King Cotton had come to his own. So amazing was the progress of the port in the second half of the century that in 1791 Erskine¹ could end his splendidly eloquent description of the town by saying 'all this has been executed by the industry and well-disciplined management of a small number of men since I was a boy.' But Erskine exaggerated ; the progress of the first half of the century, though not so dazzling as that of the second half, was yet great enough to place the fishing hamlet of a century before among the wealthiest towns of England. And this transformation inevitably had profound effects on the government of the town ; though its legal form was fixed by the charter of 1695, its spirit and character underwent a deep modification during the century. For its subjects were increasing by geometrical progression, rising from about 5,000 in 1700 to 235,000 in 1831 ; and the property it administered was increasing in value with proportionate rapidity. The Town Dues, which yielded £255 in 1704, brought in £22,000 in 1829 ; and the rents of the town's lands, worth £104 in 1704, amounted, in spite of a large number of sales during the period, to £23,000 in 1829.² In 1704 a very valuable acquisition, both of property and of power, was made by the grant from the crown of a lease of the castle and its site,³ with the right of demolition and rebuilding, subject only to a nominal rent of £6 13s. 4d.⁴ (which was the traditional salary of the constable) and to the condition that all profits from the site should be devoted to the maintenance of the city churches. This grant not only gave the borough a valuable piece of property in the very heart of the town, it also formed an

1. In his speech for the Council in the great trial of 1791, described below.

2. P.R., ii, 31, 345.

3. Chap. III.

4. The annual value of the site, even in 1704, was estimated at £12, before any improvements had been undertaken.

important extension of jurisdiction. For the castle had always been 'outside of the liberties' of the borough, exempt from the jurisdiction of its courts and from the authority of its officers. Since it was dismantled in 1660, it had become a place of refuge for a number of suspicious characters,¹ many of them poverty-stricken, who claimed, in virtue of the castle not being part of the borough, to carry on their trades free from the regulations which the Council imposed on non-freemen. This little Alsatia was clearly a nuisance, and it was very necessary to get rid of it. Even after the crown grant, the Council had no little difficulty in enforcing its authority, for Lord Molyneux, who claimed as hereditary constable an authority over the castle-site which the lawyers absolutely denied, revenged himself by encouraging the 'poor tenants' of the castle to offer every resistance to his old foes, the burgesses. Some law-suits had to be fought; but patience, a long purse, and a full legal title were all powerful, and the Corporation entered into unquestioned possession. In 1726² they used part of the fortress, which had overawed their predecessors, to build a new corporation church; another part was long used to accommodate the additional market, for which they got a charter from Queen Anne,³ and housewives chaffered over the price of potatoes where the armed retainers of the hereditary constable had once been billeted. A little later, in 1737, the Corporation also got possession of the other baronial fortalice, the Tower⁴ of the Earls of Derby, and turned it to the purpose of a town gaol. Finally, in 1777,⁵ the borough purchased outright from the Earl of Sefton, for £2,250, the rights and properties which they had rented from him since 1672, and thus became possessed in full freehold of all the rights and properties which could be claimed as part of the lordship of the town.

All these rights and properties, the sites of the old baronial strongholds, a large part of the land on which the town was built, the rapidly expanding town-dues, the ancient market tolls, the modern docks and wharves, the courts and their perquisites—all now belonged to the body of Freemen, earned by their long fights for their liberties. Here is a community which might seem to satisfy the dreams of the

1. P.R., ii, 37 ff., where an account of the disputes about the demolition of the castle is given.

2. An Act empowering the erection of the new church was obtained in 1714, but the work of construction was not begun until 1726 (P.R., ii, 70).

3. Chap. I, No. 14.

4. On the death of the tenth Earl of Derby in 1735 without heirs, the Isle of Man passed to the female line, while the title and Lancashire estates went in the male line. Perhaps owing to the loss of the island, the new Earl sold the Tower to Thomas Clayton, from whom it was leased by the Corporation for ninety-nine years in 1737 (P.R., ii, 133) to serve as town gaol. It was ultimately demolished in 1819 (P.R., ii, 373).

5. P.R., ii, 227.

Socialist : a community which substantially owns the land on which it lives, and may almost be said to own the means of production since it controls the river and the docks, whence its livelihood is derived ; which, moreover, is empowered to regulate the activities of its members, to define the conditions of their occupations ; which has even been in the habit (though this was now long forgotten) of conducting many of its commercial enterprises as joint-stock concerns for the common good. But though every item of this description is true, the reality was far from resembling the condition it suggests. To begin with, the body of Freemen had never exactly corresponded with the community, *i.e.*, with the body of inhabitants ; and during this period—it is one of the most outstanding features of the period—the distinction between the Freemen and the community of townsmen became more and more marked.

At the beginning of the eighteenth century it is probable that the great majority of adult males in the town were Freemen. We do, indeed, hear of persons who are punished for carrying on their trades, 'not being Freemen' ; but these ancient powers of restriction seem to have been used mainly as a means of compelling the non-freemen to take up the freedom and pay the proper fees. The fees charged to non-freemen varied enormously, and were probably determined by the means of the candidate for admission ; the only fixed fees were those levied upon candidates who were admitted as by right—sons of Freemen paying 3s. 4d., apprentices of Freemen, 6s. 8d. But it seems that little obstacle was placed in the way of any man obtaining the freedom if he could pay a substantial fine, and was not a poverty-stricken person likely to 'come upon the parish,' for the borough was determined to prevent persons of that type from obtaining a 'settlement' which would entitle them to parish relief. But as the century advanced, a more exclusive policy was adopted. The Common Council claimed that no one not having a right by birth or service could be admitted to the freedom without its consent,¹ and in giving that consent it began to be influenced by divers considerations. A too ready admission of Freemen was injurious to the town's revenue, which lost not only all the town's dues which would have been paid by the new Freeman, but all that would have been paid by his descendants for ever, and by his and their apprentices. When the influx of strangers to the town began to be rapid, the admission of Freemen soon fell to be out of all proportion. The date of this change of policy may

1. This claim, the subject of much controversy during the eighteenth century, was based by the Council upon a bye-law of 1646, apparently passed by the Council itself (P.R., ii, 99, 100).

be roughly fixed by the cessation of the prohibition of trading by foreigners, for when the number of non-freemen in the town became large, such prohibitions became impossible without diminishing the town's business. The Council tried to enforce them, but had to abandon the attempt. Absolute prohibitions seem to cease about 1710. The next stage in the process is marked by the exaction (in addition to the town's dues) of an annual payment, under the name of 'Quarterage,' for permission to reside and carry on trade. This also fell into disuse, as an increasing proportion of the trade of the town came to be carried on by non-freemen; and we next hear of the grant of a sort of half-freedom—a freedom which conveys the commercial, but not the political, privileges of a burgess; which gives exemption from town's dues, but only for one lifetime. Heavy payments for this privilege are recorded about the middle of the century, and they show that the Council was becoming jealous of granting the freedom. In this period the bulk of the admissions, apart from admissions by right, seem to have been made for political purposes, and especially in order to influence parliamentary elections. In 1760, for example, just before the election to the first parliament of George III, no less than seven hundred and forty-three new Freemen were admitted together.¹ Finally, in 1777, the Council 'ordered and agreed' that from henceforth no person shall be admitted a Freeman of this borough and corporation upon purchase, for any sum of money or other valuable consideration for granting such freedom.² Honorary freedom might still be given, in a gold box, to eminent statesmen or victorious generals, or to persons who distinguished themselves by zeal in the defence of the slave-trade. But henceforth not the most successful merchant or the most distinguished citizen could become a Freeman of the borough in which he lived. And as the rate of increase of the population had been accelerating, while the possibility of admission to freedom diminished, it presently came about that not only the majority, but many of the wealthiest and most important of the townsmen did not hold the freedom, and were, therefore, ineligible for membership of the Council. Such was the situation of William Roscoe, beyond question the most eminent citizen of Liverpool in the early years of the nineteenth century, and one of the greatest of her benefactors. He was eligible to represent the borough in parliament, and did so from 1806 to 1812. But he could not cast a vote in parliamentary or mayoral elections; and he could not sit on the governing body of the town. And Roscoe's case was the case of a large proportion of the merchants and shipowners who

1. *E.g.*, P.R., ii, 54. 2. *E.g.*, P.R., ii, 136. 3. P.R., ii, 176. 4. P.R., ii, 194.

were making the prosperity of the town, while among the Freemen admitted by birth or apprenticeship were included many of the riff-raff of the town, whose votes were so openly purchasable at elections that even the unreformed parliament in 1831 was on the point of disfranchising the borough for gross corruption.

This distinction between the privileged group of Freemen who formed the 'corporation,' and to whom all rights and properties belonged, and the unprivileged body of townsmen is reflected in a growing separation between the ruling authorities of the parish and the borough, identical as they were in area. For, of course, the whole of the inhabitants paying parish rates for the relief of the poor were included in the parish, could be present at the annual vestry, and could cast their votes in the election of churchwardens and overseers of the poor. At the time when Liverpool was created a separate parish, the control of the two parish churches was very much in the hands of the Council who had built them and who not only appointed the rectors—they went on doing this until 1836—but interfered in every detail of church management. But it is easy to trace in the records a progressive alienation between the Council and the parish. The parish charges the Council with keeping for its own purposes sundry old charitable legacies which ought to be under the control of the overseers.¹ The Council demands rent for the land on which the workhouse stands, and declines to pay poor-rates on its town's dues and dock dues,² a refusal in which, in 1825, it was ultimately upheld by the courts. The Council can be generous in its grants for the poor in times of necessity; but at ordinary times in its relations with the parish authorities it is obvious that it regards itself not as a co-ordinate public authority, but as the trustee or guardian of the properties of a privileged class. Over the parish churches the Council rapidly lost all control; and the special corporation church came to be the extra-parochial St. George's, over which the Council exercised undisputed authority, determining the pew rents, decreeing when the service should be held, and whether it should be chanted or not, and fixing the days for sermons and the preachers.³

In their capacity of trustees for the property of the Freemen, the Council found themselves engaged, during the period, in many disputes of which we can only afford space to mention one. This was over the claims put forward by various boroughs for exemption from the Liverpool town-dues for all their Freemen. This claim was based upon the grants made in the mediaeval charters of all the more important

1. P.R., ii, 171.

2. P.R., ii, 218, 219.

3. P.R., ii, 164 ff.

boroughs, exempting them from all dues throughout the dominions of the crown. Liverpool possessed this right¹ as well as other boroughs, under the Charter of Henry III and all its successors. But her Freemen do not seem ever to have profited from it, except in the two boroughs of Waterford and Wexford² which alone possessed a similar exemption in Liverpool during the Middle Ages. This limitation of the privilege of exemption is incidentally a striking evidence of the extent to which, throughout the Middle Ages, the trade of Liverpool, so far as it was not purely local, was confined to Ireland. With regard to the two Irish ports, the privilege seems to have been construed in the most generous terms, and the Irish traders to have been as fully exempt from all dues as the Liverpool Freemen, except that they had to pay 'hallage' for the storage of their goods in the Common Hall. But when, after the Restoration, Liverpool began to be an important port and a resort of merchants from all parts of the country, various boroughs advanced claims to exemption on the ground of their ancient charters. There are records of disputes with Carlisle, Lancaster, and Wigan³; there seem to have been lawsuits, but apparently they were not pressed to an issue, and it was not until the end of the century that the question was fully thrashed out. In 1690 a dispute began with the Cheesemongers' Company⁴ of London, which went on until 1700 and formed a serious drain on the resources of the borough. The cheesemongers brought down cargoes of cheese from Cheshire, on which the Liverpool officials insisted on levying the town's dues as they passed down the river, and the cheesemongers not unnaturally objected. So high did the dispute go, that the cheesemongers formally opposed the grant of the charter of 1695, and they uniformly declined all the compromises which the Council offered. In 1700 the Exchequer court gave its decision against Liverpool, which was forced to repay £68 5s. 6d., as 'dues illegally levied.' It is not quite clear whether the ground of this decision was that Liverpool was not entitled to levy dues on goods coming from Cheshire, or whether it was based on the exemption given by their charters to the Londoners. At any rate, it was made the basis of a claim by the Corporation of London for complete exemption for all their Freemen. A letter from the Lord Mayor of London in 1706, forbidding the Council to collect dues from the bearer, as a London Freeman, survives⁵; and the claim seems to have been admitted, as also a similar claim put forward by Bristol. If these claims had been regularly enforced by every Freeman

1. See above, p. 21. 2. P.R., i, 76, 87, etc., and ii, 22. 3. P.R., i, 300. 4. P.R., i, 301 ff.
5. It solemnly quotes the Charters of Henry I and Henry II to London. P.R., ii, 21.

of every privileged borough who traded in Liverpool, the yield of the town's dues would have been materially reduced. But in practice they were not enforced. The Liverpool officers demanded dues from everyone not a Freeman of Liverpool; many of the London and Bristol men were not Freemen of their own towns, and those who were, were often either ignorant of their rights or unwilling to put themselves to the trouble of enforcing them for the sake of saving very moderate payments; and throughout the greater part of the century the dues were paid without question. At length, in 1799 the question was once more formally raised by the Corporation of London.¹ The Liverpool Council determined to fight, and entrusted the preparation of their case to the old attorney, Henry Brown, whose intimate knowledge of legal antiquities had already, as we shall see,² been of great value to them. Thanks to his laborious 'examination of the records of the City of London,' the result of the trial was very favourable to the Liverpool claims. For though the award of the Court of Exchequer affirmed 'that the citizens of London were entitled to the exemption for their goods and wares,' it went on to state that this exemption only applied to those Freemen of London who were 'resident within the liberties' of Liverpool and paid 'scot and lot,' that is, their share of all rates levied on the inhabitants of the town. This verdict secured the Corporation of Liverpool in an extremely valuable source of revenue.

These dues, like the rest of the borough property, belonged to the Freemen, who alone were exempt from paying them. Towards the end of the period, when the disproportion between the numbers of the Freemen and of the non-freemen in the town had become very great, the gross injustice of this exemption was so strongly felt by a number of leading merchants who were not Freemen that they declined to pay dues, and raised funds to have the right of the Corporation to exact these dues tried in the courts. The trial was held in 1832,³ when the parliamentary Reform Bill had already abolished one of the exclusive privileges of the Freemen—that of the franchise—and when the shadow of the Municipal Reform Bill threatened the rest. But there could be no doubt of the Corporation's legal right, and the verdict duly went in their favour.

1. P.R., ii, 212 ff. This is one of a remarkable series of trials, in which the whole resources of Bench and Bar at a time when English law was illustrated by many great legal antiquaries, were turned upon the elucidation of the problems of mediæval law. The reports of these trials deserve study. They are very long, but an abstract of them would be by no means devoid of historical value.

2. See below, p. 131.

3. P.R., ii, 322 ff. *Report of Proceedings of Associated Merchants of Liverpool*. London: 1835, Pp. 67, App. xcix.

This was the last great occasion upon which the Council acted as trustees and defenders of the privileges of the exclusive body of Freemen against the claims of the majority of the inhabitants of the town. In defence of these privileges the Council had always been valiant, ready to spend their last penny. Yet the Freemen themselves, to whom all the privileges belonged, and in whose defence all the fighting was done, were as completely powerless in the government of the borough—apart from their rather empty right of voting for the Mayor and Bailiffs—as the non-freemen themselves. The determination with which the Council resisted attacks on the privileges of the Freeman was mildness itself in comparison with the determination with which they resisted any attempt on the Freeman's part to get any share of control over the properties which they guarded for him. On this issue turn the chief constitutional questions of the period. On four occasions, at least, an attack was made on the Council's monopoly of power, and the issue was fought out in the courts. On at least three of these occasions the decision of the courts was favourable to the claims of the Freemen, but for all that the Council found means of continuing their power, and remained in possession of it till 1836.

The first great dispute seems to have broken out in 1726,¹ and to have continued with scarcely a break for ten years. According to the Council's own interpretation of the disputed thirty-ninth clause² of the charter of 1695, no legitimate Council meeting could be held without the presence of the Mayor and one of the Bailiffs. The Mayor of 1726, Mr. Thomas Bootle, took advantage of this, and in the latter part of his year of office summoned no meetings of the Council at all, in spite of the standing order that meetings should be held on the first Wednesday of every month. Bootle was a Tory in politics, but he seems to have belonged to the popular party in local politics; perhaps because he was a candidate for parliamentary honours. Almost at the end of his Mayoralty came an election. Bootle could not stand as Mayor, and determined to resign; but instead of offering his resignation to the Council he called a meeting of the Freemen and got permission from them. For the remainder of his year of office Mr. George Tyrer, another opponent of the Council's power, was elected. When the next St. Luke's day came round, Tyrer proposed for Mayor Mr. John Hughes, who shared his own views. He declared Hughes elected, and when a scrutiny was demanded he declined to give it. Hughes did not allow a single Council meeting to be held, but with one of the Bailiffs and a number of the burgesses carried on the whole business

*See in
allg. summary
L. 111.*

1. P.R., ii, 89 ff.

2. See above, pp. 111, 112.

of the town himself. In particular, he appears to have admitted a considerable number of Freemen; and it was probably the question of the admission of Freemen which chiefly gave rise to this long controversy.¹ But Hughes' action was substantially a challenge of the whole position of the Council, and an attempt to restore authority to the burgess-body. It was, of course, based on the authority of the thirty-ninth clause of the 1695 charter, which authorized the Mayor, with one Bailiff and any twenty-five burgesses, to act as a Common Council. The majority in the Council was powerless, being unable to meet legally without the Mayor; but they did their best, by electing from among themselves a standing committee to sign leases and authorize the payment of bills. The treasurer, however, declined to recognize this committee, while he equally declined to recognize the authority of the Mayor without the Council, and the consequence was that the borough's business fell into hopeless confusion. As there was a standing majority against the Council in the Assembly² in which the Mayor was elected, there seemed no reason why this sort of thing should not go on indefinitely. The next two Mayors—Bryan Blundell, founder of the Bluecoat Hospital, and George Tyrer (the same who had already occupied the Mayoral chair in 1726)—both belonged to the popular party. They did not go so far as to decline to hold Council meetings, and the Council therefore obtained opportunities of passing portentous resolutions condemning Hughes' proceedings, recording their own powers, and formally constituting the irregular standing committee already mentioned, with power to act when the Council was not sitting. They withdrew the Mayor's allowance; they struck off the Council-roll several members of the popular party who had gone to live outside of the town's boundaries; they threatened to prosecute Hughes, but apparently did not carry out their threat; and on one occasion they ordered the door to be locked so as to prevent the Mayor from leaving. But the disputes still went on. The popular party especially resisted the claim of the Council to control the admission of Freemen; and on two occasions the Mayor and his supporters walked out of the Council-chamber to prevent resolutions on this subject being carried.

1. The earlier stages of this controversy are more than a little obscure. It is not possible to tell exactly what Hughes was doing, because there are of course no Council Minutes during the period of his mayoralty, and the records of the proceedings of the Assembly appear to have been destroyed by the Council, like those of the Assembly held by Lord Derby in 1735. But it seems clear that the agitation turned primarily upon the admission of Freemen; and it was just on this point that the Council's case was strongest.

2. This is proved by the repeated elections of mayors belonging to the popular party. In ordinary times the meetings for the election of officers were probably quite formal, the official nominees having no opponents. But in periods of excitement, it would be a very easy thing to organize a solid vote for a popular candidate.

In 1730-1733 the Council seems to have got Mayors who were favourable to its claims, for the controversy lulled. But in the last-named year it was only by adjourning the Assembly in the middle of the voting, when there was a clear majority for the popular candidate, that the Council got its way; and the election was promptly followed by an appeal to the King's Bench for the issue of a writ of *Quo Warranto* to the Mayor and Bailiffs, bidding them prove their right to hold their offices. Nothing seems to have come of this. But in the next year, the struggle became fiercer than ever. The popular party had found a stalwart champion in Lord Derby, who consented to take the Mayoralty,¹ and was elected triumphantly, with John Hughes and George Tyrer, the protagonists of the earlier struggle, as the Bailiffs. Once more the Council found itself brushed aside. The Mayor and Bailiffs summoned a Common Hall or Assembly of the Freemen, 'and then and there proceeded to make certain orders or bye-laws relating to the government of this corporation.' They also brought an action against the receiver of the town dues, to compel him to pay them as was ordered by the Assembly, and not under the orders of the Council; and they proceeded to elect one hundred and twelve new Freemen. It is possible that if Lord Derby had lived long enough his prestige and authority might have enabled him to reconstruct the constitution of the borough, on the basis of the power given to the Assembly by the charters, in such a way as to introduce an element of popular control; and in particular he might have overturned the mischievously exclusive policy which the Council was beginning to adopt in regard to the admission of Freemen. But the great obstacle in the way of any such reform was the fact that the Council was established by charter, and that its membership could not be altered. It could be swept aside for the moment, and disregarded. But the moment a Mayor was elected who was favourable to its claims, back it came to power. Lord Derby died in the middle of his year of office. No one lacking his prestige could continue his work. Bryan Blundell held office for the remainder of the year, and summoned no Councils; his successor, Ellis Cunliffe, followed his example for the greater part of his year. But for some reason he called a meeting a month before his term ended; and the Council seized the opportunity to cancel all the bye-laws made by the Common Hall or Assembly which Lord Derby had summoned; to order the excision of all record of the Assembly from the Town-Records; to declare null and void all admissions of Freemen to which its authority had not been given; to order the seal of

1. For the proceedings of Lord Derby's Mayoralty, see P.R., ii, 99 ff.

the borough to be affixed to an order stopping proceedings in the courts against the receiver of customs ; and finally to expel from the Council Tyrer and Hughes, who had acted as bailiffs to Lord Derby, and had, indeed, been ringleaders throughout the disturbances.'

After this, for some unexplained reason, the opposition to the Council collapsed. But the position of the Council was still insecure ; a courageous mayor could always defy them, and what was worse, be upheld in the courts of law. In 1750, therefore, the Council resolved to get their charter rectified. In a petition to the king¹ they pointed out that the William III charter had unaccountably omitted 'to give them the least power in express words,' though 'the manifest if not the sole intent' of the charter was to give the Council unlimited power ; they therefore requested that the clause of the Charles I charter in which unlimited powers were conferred on the burgesses should be made to apply to the Council instead. To this modest request, which would certainly have put an end to all controversy over the government of the borough, they added another of a more reasonable character ; that to strengthen the borough bench of magistrates, each Mayor should continue to be a Justice of the Peace for four years after the expiry of his term of office, and that the four senior Aldermen should also be Justices. The petition was referred in due course to the Attorney-General and Solicitor-General ; who reported that they had interviewed the Recorder and Town-Clerk, and that as a result of the interview the borough had 'waived everything in the said petition except' the request for additional justices, and that they therefore recommended that a charter in this sense should be granted. Accordingly, the charter of George II² contained a useful addition to the judicial machinery of the borough ; but to the chagrin of the Council, did nothing to strengthen their claims. It is clear, indeed, that in the opinion of the law-officers of the crown, the Council had no legal ground on which to base their claims to irresponsible power. Instead of securing themselves they had given a strong argument to their opponents.

The petition led to a renewal of controversy. An Alderman of the borough, Mr. Joseph Clegg, published under the name of 'Freeman' a virulent pamphlet³ in which he charged the Council with keeping the charters from the knowledge of the Freemen, as the only means of maintaining powers which these charters did not allow them ; and a little later, to dispel the Freemen's ignorance, he also printed a

1. Hughes was restored, on making a humble apology, in 1740.

2. P.R., ii, 101, 2. See also CLEGG's pamphlet ; and the prefatory matter to the Charter of George II, Chap. I, No. 15, where all the chief materials for this episode are printed.

3. Chap. I, No. 15.

4. *A letter from Mr. Joseph Clegg to the Members of the Council.* 23 pp., n.d.

translation' of the charter of William III, with elaborate annotations and explanations. This was the beginning of a new struggle, in the course of which Clegg, expelled from the Council, applied to the King's Bench for a *mandamus* to compel his restoration. The Council's defence of its action did not convince the judges; and they had to submit to the humiliation of reinstating their libeller. Flushed by this victory, Clegg next started proceedings to force the Council to summon an Assembly of Freeman.² But it would appear that his means were inadequate to a prolonged struggle with so wealthy a body, and the attempt was abandoned. It must have been a bitter pill to find even their power of dismissing one of their own members 'for just cause,' the sole power definitely granted them by the 1695 charter, thus successfully challenged.

It might be expected that after these repeated rebuffs the Council would have begun to hesitate about the full enforcement of its claims, and that its authority would be weakened. Yet no such thing happened. The success of the first challengers, considerable as it had been, did not encourage any other Freeman to a new attack, and the authority of the Council remained unimpaired until 1790, when the old question was revived in a somewhat new form.³ Possibly the beginning of the French Revolution, and the enthusiasm by which at first its claim of freedom was received by nearly all classes in England, may have had something to do with the new attempt, which was far more elaborately organized and far more deliberately and systematically carried on than any of its predecessors. A memorial, signed by one thousand and ninety-eight Freeman, including many of the leading merchants of the town, both Whig and Tory, was addressed to the Mayor, requesting him to summon a Common Hall or Assembly of the Freeman. The Mayor took the opinion of three counsel, who held that it was within his power to summon such an Assembly, and within the power of the Assembly to pass binding bye-laws. The Common Hall was therefore summoned for 10 a.m. on Monday, 17th January, 1791. It was very largely attended, but its proceedings, having been carefully arranged beforehand, were perfectly orderly. In the first place, the Common Hall formally resolved that all previous decrees giving to the Council power to fill vacancies in its own body, whether these decrees were

1. 'A correct translation of the Charter of Liverpool with remarks and explanatory notes by Philodemus,' Liverpool, N.D.

2. P.R., ii, 104.

3. For this exceedingly interesting struggle, see P.R., ii, 203 ff; also the full report of the trials published in Liverpool in 1796: 'Proceedings at an Action at Law brought by the Mayor and Burgesses etc.'

made by the Assembly or by the Council itself, should be annulled. The body of burgesses thus took into its own hands the control over the membership of the ruling body. That control could not be perfectly effective, inasmuch as the Councillors, by charter, held office for life. But the earlier struggles had made it abundantly clear that the Council could not be got rid of; and if popular control was to be established, popular election to vacancies as they occurred was the only form in which it was feasible. There happened at the moment to be five vacancies in the Council, and the Common Hall at once proceeded to fill these. At the same time they laid it down that the borough accounts must annually undergo a public audit by a committee consisting of four members of Council and four Freemen, all appointed by the Assembly; and they ordered the treasurer to submit his accounts to this body on pain of a fine of forty shillings. Finally a special committee was appointed to examine the existing bye-laws and draft such new ones as might seem necessary. At a later Assembly the Auditing Committee was formally appointed, and it was decided to prosecute the treasurer for the fine of forty shillings should he refuse to submit his accounts to audit. On the request of the Bye-laws Committee a number of additional bye-laws were also passed, the most important of which was to the effect that an Assembly should be held on the second Wednesday of April in every year, whether formally summoned or not, and that decrees passed at such Assemblies should have the force of law, even though no notice of them were given. This was a rather dangerous provision, but it seemed to be the only way of avoiding the result which had followed each earlier challenge of the Council's authority—its quiet resumption of power as soon as the term of office of the popular Mayor came to an end.

Thus the issue was plainly and directly raised; and the Council was not slow to meet the challenge. The reforming party did not now adopt the rather foolish methods of the earlier reformers in suppressing Council meetings altogether; and the Council thus had an opportunity of declining to recognize the councillors elected by the Common Hall, of forbidding the treasurer to show his accounts, and of resolving with all formality 'that the said meeting or assembly and all its proceedings were and are illegal and contrary to the immemorial usages, customs, charters, and to the very constitution of this borough and corporation, and that they are hereby declared to be absolutely null and void.' It is worth noting that throughout the proceedings, and on both sides, no bitterness seems to have been shown¹: the case was argued with

1. This is noted, with legitimate pride, in the preface to 'Proceedings, etc.'

dignity and gravity as a purely legal issue, in a spirit highly creditable to the town.

The dispute was now transferred to the law-courts, where alone it could be determined. The Mayor and burgesses sued the treasurer for forty shillings, being the fine payable by him for refusing to show his accounts after being ordered to do so by the Common Hall; and on this paltry issue the whole constitutional problem was argued. The greatest lawyers of the day were engaged, Serjeant Adair for the Free-men, the eloquent Erskine for the Council. All the charters were produced and the borough records were brought forward in court and quoted by both sides. The case turned wholly on the interpretation of the charter of William III, the vagueness and obscurity of which we have already shown.¹ Was it, or was it not, the intention of that charter to give to the Common Council which it appointed all the powers which its confirmation of the Charles I charter seemed to convey to the burgesses at large? The advocates for the Council argued that it was. They maintained that the constant reference of the charter to the practice of the period just before 1678 showed what its intentions were, and from the town records their agent, the learned old attorney Brown, proved that before 1678 the Council had unquestionably exercised the fullest powers, and that there was no single instance of the interference of the Assembly except immediately after the issue of Charles I's charter, when they reappointed the Council under the new charter and (according to the Council view) demitted to them for ever all the powers given by the charter. He proved also that after the charter of William III there had been no interference by the burgess-body until the time of Lord Derby's Mayoralty in 1735. 'Old Brown' had spent months in ransacking the records in preparation for the trial; and there is no doubt that he made out a very good case, making it pretty clear that the drafters of the 1695 charter had intended that, in ordinary times at any rate, the Council should exercise full authority; and proving in particular that the Council had undoubtedly always exercised the right of electing its own members, before 1678 as well as after that date. On the latter point it is probable that there could be little doubt of the issue; the claims of burgesses could not be maintained. But it was not the election of councillors which was at issue, but the right of the burgesses to demand an audit of the treasurer's books. And on that point, whatever the intention of the drafters of the charter had been, the court, which had

1. See above, p. 111 ff.

to do only with interpreting its plain meaning, could have no doubt. In face of the formal confirmation of the Charles I charter, and still more, of the famous Clause 39 which we have already discussed, there could be no doubt of the legality of the Common Hall. The verdict therefore went in favour of the burgesses.

But the Council were not to be easily beaten. They obtained a new trial, and were beaten again. Then, on technical grounds, they applied for a third trial. Until the question was definitely decided against them, they were left, as the party in long possession, in control of all the borough funds. They thus had an immense advantage over their opponents, an advantage of which they made the fullest use. The popular party included many wealthy men, and had raised large funds to meet the cost of the trials. But their resources were limited, while those of the Council were limitless; and when it became clear that the Council would go on starting fresh 'hares' of technicality *ad infinitum*, the burgesses gave up in despair. They had won their verdicts in each trial, but they had got no final decision, and the Council was left in possession. It remained entirely undisturbed until the Municipal Reform Act.

(II) The Administration of Liverpool on the Eve of the Abolition of the Old System

We have traced the main steps in the development of the powers and organization of the municipal government of Liverpool from the time of King John down to the beginning of the nineteenth century. The system was now to undergo a wholesale reconstitution. No sooner had the advocates of political reform won their first great triumph in the passing of the parliamentary Reform Act of 1832, than they set to work to deal with local government in its turn, and in particular with the Municipal Corporations, which almost everywhere in England had become a by-word for corruption. The first step was to obtain full information as to the working of the corporations, and for that purpose commissions of enquiry were sent out into every incorporated borough. Two commissioners visited Liverpool in November, 1833, and sat almost continuously for twenty-four days, from the 4th to the 30th of that month. The Town Council met them with the utmost frankness, and the exceedingly able Town Clerk, Mr. Thomas Foster, laid before them every information and explanation they could ask for. They heard also all that the critics and enemies of the Council had to say ; and the voluminous verbatim report of the evidence laid before them¹ forms an invaluable storehouse of information as to the administrative methods of the borough in the last days of the old régime. A rapid summary of the working of the system as it is there disclosed will be an appropriate conclusion to our study.

At the date of this enquiry Liverpool had already become, after London, the greatest port in the world and the most populous town in England. Her population and trade had increased with the most bewildering rapidity during the previous half century ; and she had completely outgrown her ancient system of government. On every side she had expanded beyond her ancient boundaries, and large and populous suburbs had arisen in what were once the neighbouring rural townships of Kirkdale, Everton, West Derby, and Toxteth Park.

1. 'A Report of the proceedings of a Court of Inquiry into the existing state of the Corporation of Liverpool, held in the Court-room, in the Sessions-house, in Chapel-street, Liverpool, before George Hutton Wilkinson and Thos. Jefferson Hogg, Esqrs., two of his Majesty's Commissioners appointed to inquire into Municipal Corporations in England and Wales, in the month of November, 1833. Liverpool : printed by J. and J. Mawdsley, Castle Street.' 554 pp. folio, with Appendix cxxviii pp. folio. As most of my references in the present section will be to this exhaustive report, I shall use throughout the abbreviation 'M.C.R.' (Municipal Commission Report).

This expansion had been recognized in the Reform Act of 1832, which included these districts within the parliamentary borough; but they were still excluded from the municipal borough. Over 40,000 souls dwelt in these districts,¹ more than half of them in crowded and insanitary streets erected by Lord Sefton on the northern part of Toxteth Park, in the district then called Harrington,² once sacred to royal deer. These districts had no municipal administration whatsoever, but depended on manorial jurisdiction and the efforts of the county justices.³ They had, above all, no police supervision, and Toxteth, in particular, was notorious as the refuge of the most lawless and disorderly classes. Though the wealthier residents in the southern parts of Toxteth contributed voluntarily a few guineas per annum to maintain a patrol, the streets of 'Harrington' were not safe to traverse, and terrible stories were told of the outrages and disorders which took place there with impunity.⁴ 'The Alsatia of Liverpool,' Dr. Currie called it, without exaggeration.

For all this, however, the borough government was in no way responsible, for its authority was confined within the ancient and unchanged limits of the township and parish of Liverpool, the boundaries of which were still annually ridden by the Mayor and Corporation in procession, exactly in the ancient mode.⁵ The boundaries of the port as distinguished from the borough were defined, and had since the beginning of the eighteenth century been accepted, as extending over all the waters of the Mersey and all the shore from Hoylake to the mouth of the Ribble⁶; and for some purposes the authority of the borough government extended over this wide reach of waters. It is within these limits that we must confine our survey.

The population of the ancient borough at the census of 1831 was 165,175, having increased 112 *per cent.* since 1801⁷; there was in addition a moving population of sailors estimated at about 10,000. Over 28,000 inhabited houses were assessed for poor rates and other purposes.⁸ But the ultimate power of controlling the government of

1. M.C.R., App. cxx.

2. *Picton Memorials*, ii, 537.

3. M.C.R., 449. The parishioners of Toxteth had refused to adopt the Sturges-Bourne Act for the provision of a police force, *Ibid.*; an interrupter from the gallery at the Commission said that the fact that a murder had taken place just before in Everton was no reason 'why Everton should be burdened with a police.' *Ibid.*, 453.

4. M.C.R., 452. Mr. Morrell's evidence. 'The first year I went to reside there (two years ago) my son on returning home was hustled by three men on the outskirts of the town, and had not gone far before he found he had been robbed. He then returned back, seized one of the men, and had dragged him pretty near into Liverpool, when another of the men came up with a bludgeon, struck my son a violent blow with it, and rescued the prisoner. My house and my garden have also been broken into and robbed. About three Sundays ago my servant was knocked down, tumbled in the mud, and robbed. The patrol, to whom I pay three guineas a year, shared the same fate and the robbers escaped.'

5. M.C.R., 10.

6. M.C.R., 11.

7. M.C.R., App. cxx.

8. M.C.R., App. cxix.

the town rested neither with the 160,000 nor with the 28,000. It rested with the Freeman, who numbered 3,733,¹ and a good many of whom lived outside of the borough altogether. They were the owners of all the borough property; in strict law they alone had a right to enjoy the privileges of the borough; they alone were eligible for its highest offices. A large majority of the wealthiest merchants who had made the prosperity of the borough were not Freeman; nor were most of the professional classes—it was stated on oath before the Commissioners that of two hundred surgeons in Liverpool only seven were Freeman.² For the mode of access to the freedom³ was difficult, and jealously guarded. A man might become a Freeman either by birth or by service; either, that is, by being the son of a Freeman, or by serving a Freeman for a seven-years' apprenticeship. The Mayor exercised by custom the right of nominating one Freeman at the end of his year of office, and usually nominated a friend or relative. The Town Council had the right of admitting whomsoever it chose, either freely or for money. But this right was very rarely exercised.⁴ No case of sale of freedom had been known since 1792⁵; while grants of the honorary freedom during the previous half-century might have been numbered on a man's fingers, and even then they were usually conferred on distinguished strangers,⁶ not on residents in the town. A large proportion of the Freeman by 'service' were artizans—coopers, rope-makers, and the like, who had had the good fortune to serve their time with Freeman. But many of these who were entitled to the freedom could not afford to take it, because a fee of £2 was exacted for registration,⁷ half of which went into the pocket of the Town Clerk. This opened a way to bribery, for when an election came on the easiest way to obtain fresh voters was to pay the fees of persons entitled to the freedom who could not afford to take it up. For the Freeman alone took part in the most important elections. They alone could vote for members of Parliament (before 1832), or for the Mayor and Bailiffs at the annual election on October 18. And perhaps this was the Freeman's most valuable right, because his vote, especially at Parliamentary elections, was an exceedingly saleable article. £20 was the figure usually quoted as the price of a Freeman's

1. M.C.R., 50. This was the number whose residences were known; there were about 1300 others whose names were in the 'call-book' with no residences given, and who were not entitled to vote.

2. M.C.R., 325.

3. M.C.R., 46.

4. M.C.R., 48.

5. M.C.R., 48-9.

6. M.C.R., 48.

7. M.C.R., 47. The old fees of 3s. 4d. for admission by birth and 6s. 8d. for admission by service were still entered on the books, but never exacted. Of the £2, £1 was for the stamp; the other £1 went to the Town Clerk.

vote¹; he could count in addition on any amount of free eating and (still more) drinking during the election days, and the narratives of keenly-fought contests, such as that of 1812,² show that he must have enjoyed himself hugely at these times. Liverpool, indeed, had the reputation of being one of the most corrupt Parliamentary constituencies in England; so much so that in 1830³ a motion in the House of Commons for its disfranchisement had been with difficulty defeated.

But the right of voting (or of selling his vote) was not the Freeman's only right. He alone could serve in the office of Mayor, Bailiff, Recorder or Town Clerk. He alone could sit in the Town Council. He alone could be empanelled on a Jury,⁴ and it was calculated that his turn for such service came round about once in three years. Perhaps that was rather a burden than a privilege. But the most valuable of his rights remains to be told. He was exempt from the payment of town dues⁵ and anchorage, those ancient customary duties on ships and goods coming into the port about which so much has had to be said in the course of this narrative; while he was also exempt from half of the tolls levied in the markets.⁶ To the Freeman who was a merchant or importer the exemption from town dues was an exceedingly valuable privilege, though it meant nothing to the poorer Freemen who imported no goods which could enjoy the exemption. It is not surprising that the great non-freemen merchants should resent this distinction, which, said one of them, had cost him over £5,000 in a few years⁷; and in 1830 an attempt had been made by Mr. John Bolton and others (who took a prominent part in the proceedings of the commission) to challenge in the law-courts⁸ the right of the Corporation to exact the town dues. The case was still *sub judice* when the commission began its sittings. But it eventually went against Mr. Bolton and his friends, for there could be no shadow of doubt, as our previous narrative has shown, either about the right to levy the dues or the right of Freemen to be exempt from paying them. Yet if the wealthy non-freeman felt he had grievances, the Freeman also was not without his grievances; and the most amusing pages in the long-winded proceedings of the Commission are those in which John Huntington,⁹ a cooper, boldly expounded his views on

1. M.C.R., 383.

2. M.C.R., 367-8. See also the collection of pamphlets and skits bearing on this election, in the City Library.

3. See WALPOLE, *Hist. Eng.*, i, 125. 4. M.C.R., 49. 5. M.C.R., 50. 6. M.C.R., 87-88.

7. M.C.R., 238. This was Mr. Hornby, the largest shipowner in the port. His average payment per annum in town dues was about £750. See also 231.

8. M.C.R., 253; P.R., ii, 322-7; *Report of Proceedings of Assoc. Merchants of Liverpool*.

9. M.C.R., 380 ff.

these matters. In Huntington's opinion the great merchants had little to grumble at—'complaining of paying so large an amount of town dues' when 'their paying so much is only a sign of their prosperity.' They have been received in a town that belongs not to them, but to the Freemen, and made fortunes, and now they want to share the privileges of the Freemen. Huntington would be glad enough to change places with them. All the injustice is to the Freemen, whose money is lavishly spent on improvements to the town, largely for the benefit of these strangers, while the Freemen are entirely forgotten; their money from town dues and from docks and from town-lands ought to be spent on themselves: 'out of all this immense property they ought to have a place of refuge provided for them in old age and poverty; and not to be cast upon the wide world or sent to the work-house.' Honest Huntington, who sacrificed half a day's wages to bear his testimony, felt that he was expressing the opinion of 'a great majority' of his fellow-freemen, and very likely he was. For after all the freedom did not mean much to a man in his position, except the chance of being bribed; and this Huntington felt to be an unjust temptation put in his way, and blamed the wealthy bribers for it, though he frankly confessed that he would be unjust to his wife and children if he did not take his £20 when it was offered to him, so long as he took it from the right candidate.

Privileged body though they were, the Freemen had little real power. The whole governing authority, the whole control of the borough property was vested in the irremovable self-electing Council whose history we have been tracing in the last four sections of this narrative. They numbered forty-one, as they had done since 1695; and they sat for life, though they could be, and occasionally were, removed for lax attendance at the meetings, or for non-residence. It was a bitter complaint of the Liberal party in the town that the Council formed a close family party: thirty-six of the forty-one were Tories in politics, and there was not a single Dissenter or Roman Catholic among them, while thirty-four were related to other members of the Council.' The opponents of the Council strove to prove to the Commissioners that its members used their power improperly in their own or their friends' interests. Many gross instances of such misuse of power were found by the Commissioners in other towns, but it is to the credit of the Liverpool Council that the attempt to prove its existence in this town broke down altogether. The favourite instance was the

1. M.C.R., 233.

good fortune of the family of Foster,¹ one of whom was Town Clerk and a member of the Council, with an income of some £5,000 a year ; one of his brothers Surveyor at a salary of £1,000, with the right to practise architecture privately ; a third brother Secretary to the Dock Estate ; a fourth Clerk to the Vestry, with many perquisites. But all the evidence goes to show that the Fosters were all worthy of their positions, and had got them on their merits. Indeed, the leading opponents of the close Council frankly admitted that their power had not being abused within living memory. 'If you ask for my opinion,' said one of the hostile witnesses, 'I believe that, on the whole, there never was an estate of such magnitude so honestly and fairly administered² ;' and even the doughty Mr. Bolton 'wished also to bear his testimony to the very clear and excellent manner in which the public accounts of the Corporation were kept.'³ At the end of the enquiry the Town Clerk could boast⁴ that after 'an enquiry unexampled in the history of this town or of the country, it has been proved that for the last one hundred years at least there has been no transaction in that body of which they need to be ashamed ; or anything which can be imputed to them as an act which they would *not* have done openly in the face of their fellow-townsmen.'

These are high tributes, but they were deserved. Amid the corruption and maladministration which this Commission revealed in all parts of the country,⁵ Liverpool stands out as an oasis of pure and reasonably competent government. Probably this is due to the fact that (as we saw in the last section) the Council had for a century been subject to keen and constant criticism, and frequent attacks in the courts of law. Nevertheless, it means that the members of this close body were very conscientious and assiduous in the discharge of their duties. And these duties were by no means light. The Council met regularly on the first Wednesday of every month,⁶ as it does to-day ; and the very high quorum of twenty-five out of forty-one was required for the transaction of business. Yet it was scarcely ever necessary to dissolve a meeting, and the average attendance reached the surprising figure of thirty-five.⁷ In addition, every member served on at least one of the seven committees, the most important of which was the Finance Committee,⁸ which had nineteen members,

1. M.C.R., 410. The difficulty which the opposition found in proving maladministration is shown by the fact that their diatribes were largely directed against the commission of a portrait of the oldest member of the Council, who had served over fifty years, and the subscription of £500 apiece for memorials to Canning and Huskisson, the most distinguished members who ever sat for Liverpool. *Ibid.*, 296.

2. M.C.R., 295.

3. M.C.R., 400.

4. M.C.R., 553.

5. See WALPOLE, *Hist. Eng.*, iv, 31 ff.

6. M.C.R., 34. M.C.R., 32.

7. M.C.R., 31.

8. M.C.R., 32.

including all the Aldermen, and met once a week. There were also several highly important boards more or less independent of the Council, but largely consisting of members of that body, of which we shall speak later.

The most important function of the Council was the administration of the Borough estate.¹ These included firstly the much-disputed town dues, which brought in, in 1832, £37,000; the Council was responsible for fixing the tariff on all goods for this purpose,² and occasionally revised it, though for the most part it had remained fixed at the ancient figures. There were also anchorage dues, payable by every ship entering the Mersey, which amounted to £600. The markets, of which there were now five, belonged to the Corporation, which had erected by this time substantial buildings. After deducting cost of maintenance, etc., the market tolls brought in £11,000, in spite of the exemption of Freemen from half of the payments. Then there was the landed estate of the Borough, now immensely valuable, which still included nearly the whole of the old waste,³ extending from the line of the Pool to Upper Parliament Street, as well as some fragments of land on the north of the Pool. Some blocks of this had been sold in freehold, but the bulk of it was let on long leases of seventy-five years, renewable at a fixed percentage on the assessed value.⁴ Fines for renewal of leases and ground rents brought in, in 1832, £18,000. The Corporation had recently bought the land surrounding Wallasey Pool, in order to prevent the creation there of a rival port, at a cost of £184,000.⁵ The wisdom of this outlay was much canvassed by the Council's opponents, especially as it brought in only about one per cent. on the outlay, but the property was steadily appreciating in value. Again, in the central part of the town, which did not belong to it, the Council had bought up much land in the principal streets, in order to carry out improvements on a large scale, and from these it reaped a considerable revenue, though not yet enough to meet the interest on the outlay. A further curious item was the pew-rents of the five city churches, which belonged to the Corporation, having been erected under a series of private Acts of Parliament. The Council levied the rents and paid the ministers, but lost very heavily on the transaction, and the Liberal party complained bitterly that no similar outlay was made for the support of Dissenters. Finally there were several

1. The full balance sheet of the Council for 1831-2 is published, M.C.R., App. iii, lxxxi.

2. M.C.R., 84. The tariff of dues is given in the Appendix.

3. See map, M.C.R., 530, which shows the plots which had been alienated and those which were leased.

4. For leasing rates, M.C.R., 86.

5. M.C.R., App. liv.

miscellaneous properties, such as the graving docks, which had been retained under the Council's control when the rest of the dock estate was (as we shall see) placed under separate management, two or three warehouses, weighing machines, the public baths at the Pier-head, all of which yielded something to the revenue. The total income from all these sources amounted to £98,500.

This very handsome revenue was expended partly in administrative charges and salaries, partly in the cost of the judicial system of the borough (with which we shall deal presently), partly in the upkeep of the churches, the markets, the baths, and other public institutions—such, for example, as the Blackrock Lighthouse, which was entirely maintained by the Council—partly on the interest of loans for street improvements and the like. But when all these charges were met, a handsome balance still remained for various public objects, educational, and the like. The Council kept up two elementary schools¹ (now known as the North Corporation and South Corporation Schools), and these were the only publicly administered schools in the borough. They only cost together £604 a year. They had been founded as a substitute for the old Grammar School of the Tudor period, which had been under the Council's control, and had been suppressed in 1803.² Apart from these two schools, education was left entirely to the churches or to private enterprise; indeed, Liverpool was almost unique in possessing elementary schools under public control at this period. Grants were also made, or free sites provided, for educational institutions, such as the Athenaeum and Lyceum (which were freed from ground-rent), or, in one or two cases, for Dissenting chapels. One hundred guineas were given for prizes to the Liverpool Academy of Arts; £150 were subscribed to the Royal Institution, and thirty guineas to the Botanic Gardens, then under private management³; while when King's College, London, was founded as a church rival to the undenominational London University (afterwards University College), the Liverpool Council took a £500 share in the enterprise.⁴ In 1832 over £1,000 were spent for charitable purposes, either in subscriptions to hospitals and the like, or on small superannuation allowances. The Mayor received an allowance of £1,200 for entertaining, while £718 were also spent on the upkeep of the Mayor's carriage, and £350 on wine for the Town Hall. 'Public Walks and Gardens' cost just under £500⁵—the only ones

1. M.C.R., 104. See also 448 and elsewhere in the report.

2. PICTON, *Records*, ii, 285. 3. *Life of William Roscoe*, i, 254.

4. This was a ground of great complaint by the opponents of the Council, M.C.R., 233 and *passim*.

5. M.C.R., 106.

then in existence, under the Council's control, being St. James' Mount, and Abercromby, Falkner, and Great George Squares. Such is a brief summary of the main heads of the income and expenditure of the Council. It will be noticed that the income is wholly derived from the corporate estate, or from ancient customary dues. No part of the revenue of the borough was raised by rates, which the Council never levied. It was not, indeed, a rating authority, and all the functions for which rates were levied were performed by other bodies. That is, perhaps, at first sight the most striking contrast between the Council of 1833 and the Council of to-day. It was not, and it scarcely regarded itself as, a public representative ruling body ; it was rather a body of trustees for the administration of the estate of the Freemen, and many of the most important duties of a modern Corporation were deemed to be entirely out of its sphere. We shall have to consider later the bodies to which these duties were entrusted ; but, in the meanwhile, if we are to do justice to the old Council, this fundamental distinction must be remembered. Not even for the carrying out of public improvements or the purchase of Wallasey Pool did the Council levy a rate ; the widening of Lord Street, Castle Street, and Pool Lane was paid for by loans, secured upon the corporate revenue which was derived from the sources already described. The total amount of the municipal debt incurred in these undertakings amounted to £792,000 in 1833.¹

But before we turn to deal with the concurrent administrative authorities in the borough, it is necessary to say something on two subjects hitherto untouched—the officers of the Corporation, and the judicial system of the borough, which was largely under the control of the Council.

First among the officers came the Mayor and Bailiffs, of whom so much has been already said that little need be added. Their most exacting duties were now mainly judicial² ; the vast administrative powers which they (and especially the Mayor) had once enjoyed had insensibly disappeared as the control of the Council became more close and effective, and as there arose a staff of permanent officials. Apart from his judicial work, the Mayor was much what he is to-day—President of the Council, honorary figure-head of the borough, and chief dispenser of civic hospitalities. Then as now he was expected to spend in hospitality more than the amount of his allowance, which was liable to be withheld if his entertainments were meagre. Next came the Recorder³ and the Town-Clerk, both of whom by charter sat in

1. M.C.R., 81.

2. M.C.R., 23, 4 ; 26.

3. M.C.R., 27.

the Council. The Recorder was a barrister, paid £500 per annum ; but he was now only an occasional visitor to the borough for legal business, not a permanent inhabitant as he had been in the sixteenth century. There was much talk of the desirability of having a permanent Recorder. The Town-Clerk¹ was, as he is now, much more important in the daily economy of the Borough. As secretary and convener of the Council he was paid £105 a year ; but he was separately paid for all legal business transacted on behalf of the borough, and he held in virtue of his office several valuable posts, to be enumerated later, which among them rendered him the best paid as he was the most important officer of the town. He had to provide his own clerks. The Treasurer,² whose office explains itself, was by a long-standing custom, though not by charter, also a member of the Council. He was paid £1,000 per annum, and gave the whole of his time to his office. All the above officers, being members of the Council, were necessarily Freemen. But no such requirement was exacted in the case of the rest of the permanent staff, and many of the most important offices were held by non-freemen. It is perhaps scarcely necessary to enumerate these offices³ at length. Some of these were of ancient origin, such as the leave-lookers, the Serjeant at Mace, the Keeper of the Town-Hall and the Bellman, who received 6d. for every 'public cry.' More important were a number of more modern offices, created for new functions, such as the Borough Surveyor, who had five assistants ; the Governor of the Borough Gaol, which was maintained at the cost of the Council ; three Surveyors of buildings under an act of 1826 empowering the Council to regulate building in the town⁴ ; and the Clerk of Committees. The last-named deserves more than a passing mention. In 1833 the Clerk of Committees⁵ was Mr. Charles Okill, who was not only a competent public servant, but an antiquary far before his age. Partly in preparation for the great trial on the Town dues but largely through historical enthusiasm, Mr. Okill had made an immense and invaluable collection of documents bearing on the history of Liverpool. The transcripts made by him or under his direction are still preserved in the municipal archives, and they have supplied the material for most of the work that has hitherto been done on Liverpool history.⁶ Until the other day few students of local history dreamed of going further than Okill's transcripts ; and the

1. M.C.R., 28-9.

2. M.C.R., 37.

3. M.C.R., 22.

4. 6 George IV, c. 73.

5. M.C.R., 22.

6. Baines recognizes the value of Okill's work, but Picton, who owed everything to him, makes no acknowledgment of his debt, any more than he does of his debt to the late T. N. Morton.

quiet old scholar deserves the homage of those who are endeavouring to continue his work. He alone was capable of throwing any light upon the historical questions which frequently emerged during the sittings of the Commission.

But not even Mr. Okill was able to give any satisfactory explanation of the curiously complicated jurisdictional system which the borough possessed, for its origin was lost in the obscurity of the middle age, and even we, with much additional light, have frequently found it baffling.

There were two sets of courts blended in a curious way in the Liverpool of 1833 : courts held by the Aldermen, acting as the Borough Justices, for criminal cases,¹ and courts held by the Mayor and Bailiffs for the lesser civil actions. The former were the Sessions, but they differed in some ways from the ordinary sessions of rural justices ; the latter were known as the Court of Passage, Mayor's Court, or Borough Court. Each had greater sittings and ordinary sittings. In each case the greater sittings were held four times a year, and the greater sittings of the Court of Passage followed without interruption immediately after the Quarter Sessions of the Justices. The Quarter Sessions² were presided over by the Mayor, aided by the Recorder, and on the Bench with the Mayor sat the Aldermen, who were the borough justices ; the juries, grand and petty, were empannelled by the Bailiffs, and consisted of Freemen only. At the Court of Passage the Mayor presided, aided by the Recorder³ ; and the Bailiffs sat with them. They tried only cases affecting property within the limits of the borough. Now all this closely resembles the old Great Courts of the Portmoot,⁴ except that the sittings are quarterly instead of half-yearly. In the old Portmoot the Mayor presided along with the Bailiffs and Recorder, and the Bailiffs empannelled the Juries. And the old Portmoot had always done a great deal of the business now transacted by the Court of Passage, and had also done, at any rate since 1394, the business of the Quarter Sessions. I conclude that Sessions and Court of Passage, taken together, are to be regarded as the continuation of the old Portmoot about which we have heard so much. And this is borne out by what the Town-Clerk has to tell us in evidence before the Commissioners.⁵ 'The Quarter Sessions,' he says, 'are still sometimes called the Portmoot.' He does not know why, and he is quite ignorant of the history of the court ; but, seemingly within his memory, the jury in that court had appointed some of the lesser officers, a power now annexed by the

1. M.C.R., 30.

2. M.C.R., 57.

3. M.C.R., 27.

4. See pp. 26, 27.

5. M.C.R., 57.

Council. Why then have the new names arisen, and why is there now a division between the two courts—a division which, by the way, was now of long standing? It dates, I think, from the appointment of the Aldermen as magistrates¹; after that the number of the magistrates made the court, for criminal business, look much more like the familiar Quarter Sessions of the rural magistrates, and the name has come into use by analogy. As for the Court of Passage, that name, as we have seen, had long been used for the Mayor's Court, sitting for the transaction of certain kinds of civil business (such as cases under the Statute of Merchants), and the use of the name for that part of the sittings of the Portmoot which did not deal with criminal business, and in which the borough magistrates did not share, was natural enough. Probably there had long been a Court of Passage held immediately after the Portmoot.

These are somewhat obscure antiquarian speculations, and they belong, perhaps, more appropriately to another volume of this series,² but they help to show that there had been no breach of continuity in the judicial institutions, any more than in the administrative institutions of the borough.

In addition to the solemn quarterly sittings of these two courts (or two sides of the one old court), both had frequent meetings of a less formal character. The Justices, as to-day, sat daily to deal with petty offences; the Court of Passage met weekly to deal with undefended civil actions, and no less than one thousand six hundred and three cases were brought before it in the year.³ There was also a special court, called the Court of Requests, created by a special Act of Parliament in 1733,⁴ for the settlement of small debts under forty shillings. It was conducted by a body of Commissioners appointed monthly by the Council, and consisting of the Recorder, two Aldermen, four Common Councillors, and ten householders, not necessarily Freemen. Finally, there was the Coroner's Court,⁵ nominally presided over by the Mayor and Bailiffs, but the Mayor was seldom or never present, and the duties of the coronership were discharged by the Bailiffs. It was a burdensome office, and entirely unpaid, for the sphere of the court covered not only the borough but all the waters of the Port from Hoylelake to the Ribble, and there were as many as two hundred inquests on the average in each year. To all these courts the Town-Clerk acted as clerk, and received the fees, which supplied the greater

1. By the Charter of George II; Chapter I, No. 16.

2. *History of the Court of Passage.*

3. M.C.R., 27.

4. M.C.R., 59. The Act was 6 George II, c. 43.

5. M.C.R., 58.

part of his income. The whole cost of the upkeep of all the courts was met by the Council. They had built and they maintained the Sessions-house in Chapel Street, where all the courts were held ; they also kept up the Borough Gaol, and this outlay formed a considerable item in their expenditure.

This ends the list of the governmental functions directly or indirectly controlled by the Council. It cannot have escaped the notice of the patient reader that many of what are now the most important functions of a Corporation are wholly omitted from the list. What of the duties of the modern Health Committee, or of the modern Watch Committee, or of the modern Water Committee ?

The water supply of the town, drawn from wells in the borough and in Bootle (some of which are still used), was under the control of private trading companies.¹ It was both inadequate and unsatisfactory, but it was not the business of any public authority to look after it ; the vital importance of an abundant water supply to a great city was as yet scarcely realized. The regulation of the streets was divided in a curious way. For paving and sewerage the Council was held to be responsible only in 'the ancient streets of the borough'²—those which it had always controlled, and these were few in number. The great majority of the streets were paved and sewered by a special independent committee,³ not reporting to the Council, but consisting of twenty-four members—nine appointed by the Council and fifteen elected by the ratepayers. Towards the cost of this the Council contributed (in addition to the cost of the 'ancient streets') £5,000 per annum ; further sums required were raised by a rate, levied on behalf of the Committee by the Poor-Law authorities. It may be imagined that this division of responsibility between two authorities made for confusion. Not only were there frequent disputes as to which *were* the ancient streets⁴ ; but obviously it was impossible, under such conditions, to work out a well-devised sewerage system. The scavenging and lighting of the streets, whether ancient or modern, had been since 1748⁵ entrusted to still another outside body,⁶ the 'Commissioners of watching, lighting, and cleansing,' who included all the Aldermen along with eighteen householders elected by the ratepayers. The same body was responsible for the policing of the town ; it maintained a corps of one hundred and twenty night watchmen and a small body of fire police,⁷ and kept up (in addition to the Borough Gaol) three

1. PICTON, *Memorials*, i, 185, 281, 282. 2. M.C.R., 269. 3. M.C.R., 50, 432.
4. M.C.R., 51. 5. Under 21 George II, c. 24. 6. M.C.R., 64, 34.
7. Under 7 George IV, c. 57.

lock-up houses for temporary arrests. The expenditure of the Commissioners was met by a rate 'not to exceed one shilling in the pound,' and levied by the Poor-Law authorities. But the Council had also a force of three policemen¹ of its own for the regulation of the Pier-head, which was Corporation property. Thus, everywhere there was confusion, divided authority, overlapping jurisdictions. The existence of these outside bodies was in itself a sign that the close Corporation, representing only the Freeman, could no longer undertake the main functions of administration. It had been able to do so down to the middle of the eighteenth century, so long as the Freeman formed the substantial majority of the population; but when, by restriction of the grant of freedom, the Freeman had come to be in a small minority, it could no longer be pretended that their Council could justly be responsible for public order and public health, in which the non-freeman resident was equally concerned, for which he had to pay, and in the control of which he claimed to be represented. Hence the result of the close Corporation and Freeman system had been to reduce on all sides the authority of the chief municipal body, and to begin that practice of establishing numerous and confusing separate governing bodies, each charged with distinct and small functions; a system which was to continue, and even to be accentuated, during the nineteenth century, and only to begin to be amended towards its close.

On the analogy of the bodies which did the work of the modern Watch and Health Committees, there had been recently constituted a body of still greater importance to administer the Dock Estate. The history of the administration of the Dock Estate, though interesting, is too long to be told here; it must be reserved for another volume of the present series.² Here it must suffice to say, that from the time of the creation of the first dock, in 1709, down to the year 1825, the ownership and management of the docks had been vested in the Council.³ It was the Council which built the early docks, providing the land without charge, and the Council which fixed the tariff of dock dues, which were, of course, distinct from and additional to the ancient town dues. But as the estate grew, and as the merchants who used it came to be in a larger and larger proportion non-freemen, the unsatisfactoriness of this arrangement was increasingly felt. Accordingly, by the Dock Act of 1825, a special Dock Committee was instituted, to which the full control and administration of the estate was given. This

1. M.C.R., 66.

2. *History of the Dock Estate*.

3. M.C.R., 54.

Committee consisted of thirteen members of the Council and eight merchant ratepayers, elected by the merchants using the docks. The Council still remained Trustees of the Dock Estate; the Committee reported to it, and any resolution of the Committee could be overridden at the next meeting of the Council, though this power was rarely or never used. But the finances of the two bodies were perfectly distinct; the Council now made no profits out of the docks, except when it sold lands to the Dock Committee. Nevertheless, even in the administration of the Dock Estate, there was divided authority, leading inevitably to mismanagement. Not only did the Council appoint a substantial majority of the Committee, but it directly nominated the Chairman also, only the Deputy-Chairman being appointed by the Committee itself. The Council members of the Committee and the merchant members formed two distinct parties, generally at strife with one another, and a large part of the proceedings of the Commission of Inquiry is filled with their recriminations.¹ Further, when it handed over the rest of the Dock Estate, the Council had reserved the graving docks and the pier-head and wharf; it had also reserved its property, as each dock was built, in all land (whether old land or 'made' land) beyond the actual wharf margin of the docks. On all these points there was endless wrangling, the echoes of which linger in the pages of the Commission's report. And just as the existence of the Paving and Watch Committees illustrated the impossibility of a close and unrepresentative ruling body discharging the main functions of city government, so the management of the Dock Estate illustrated the drawbacks incident to the survival of the mediaeval powers and rights no longer in accordance with the needs of a new age.

One more independent governing authority remains to be mentioned; an authority which, even in this age of simplification and concentration of authority, still retains its independence. This was the Vestry, which was charged with the administration of the poor laws and of the parish churches of St. Nicholas and St. Peter. When, in 1699, Liverpool was turned into an independent parish,² the parish at once and automatically became responsible for poor-law administration, and all its inhabitants became rateable for that purpose. For the discharge of these functions there was consequently necessary a new body, the Select Vestry, which was elected by the whole body of ratepayers. The rates levied for the poor amounted to two shillings and sixpence in the pound; and the Select Vestry could claim that it

1. Nearly half of the report deals with the administration of the Dock Estate.

2. See p. 122.

administered 'the largest parish in England maintaining its own poor, except Marylebone.'¹ Being the first body to levy rates, the Select Vestry continued to levy, along with the poor rates, such other rates as were imposed by various acts of Parliament for the purposes, for example, of the Paving and Watch Committees ; but owing to the fact that at first these functions were discharged out of its own revenue, the Vestry was never burdened in Liverpool, as it was in other towns, with general municipal functions. It remained primarily a poor-law authority ; though it also elected the churchwardens of the parish churches and paid for the maintenance of the fabrics of the churches. The Council thus lost its control over these churches, originally built by the burgesses ; but it still paid the rectors' stipends, retained the right of presentation to the livings, electing both rectors, until after the Municipal Reform Act the presentation was sold to the Gladstone family, and the two rectories united. The relations between the two rival authorities, Council and Vestry, had been frequently strained² ; but, on the whole, at this period, each went on its own way without interference from the other, for their functions were sufficiently distinct. Some of the opponents of the Council, seeing corruption where it did not exist, contended that the malign influence of the Council was felt in the Vestry, which was substantially under its control.³ But there is no evidence of this ; on the contrary, it was shown that no member of the Council was, or had been, a member of the Select Vestry, and that the Councillors 'studiously abstained' from being present even at the General Vestry of ratepayers at which they had a perfect right to be present.⁴

Such in outline was the system of government which, after six centuries of development, the now rapidly-growing city had attained. Though its various parts were purely and on the whole efficiently administered, presenting a marked contrast to many other English towns at the same period, it is obvious that the system possessed grave defects and stood in need of the sweeping change which, along with other English boroughs, it underwent in the next year. The numerous rival authorities overlapped and conflicted at too many points, and their responsibility to the subjects whose interests they administered was not clearly enough brought home ; while in the midst of the chaos there were several important functions which were wholly neglected. The town in the previous half century had entirely outgrown its ancient modes of administration ; thousands of poor immigrants had swarmed

1. M.C.R., 385.

2. See p. 122.

3. M.C.R., 373.

4. M.C.R., 384.

into it, and were now living under conditions which were not only terrible to themselves, but highly dangerous to the town at large. In evidence before the commission, Dr. Duncan¹ gave an appalling account of the wide extent of courts and alleys which had sprung up in the centre and north of the town; he might have told an even worse tale of the conditions which held in the dreary streets which now covered the once green glades of Toxteth Park. Even within the old boundaries at least 20,000 souls dwelt in cellars, and 40,000 more swarmed in narrow, dark and insanitary courts and alleys, five or six to a room. This was the dark side of the growing wealth and prosperity of the town. To all these human souls the town had a responsibility; it was its duty to give to them, so far as might be, the possibility of a humane and reasonably happy life. But in the Liverpool of that day there were few sanitary precautions, there was no medical officer, there were no parks, playgrounds, or breathing spaces, except the locked gardens in Abercromby and Falkner Squares; there were no libraries except for the well-to-do, no music except an annual festival at a high subscription, no pictures, and scarcely any schools. The swarming vagrants in search of work, the rush of a growing commerce, had overwhelmed the powers of the town government to make the conditions of life even tolerable; colour, beauty, the riches of intellect, were driven beyond the bounds; even the inspiring memorials of antiquity had been obliterated by a commercial vandalism; the quiet and healthy little market town, with its picturesque tower and castle, which we have so long observed, had at a bound passed into a sordid, ugly hive of serfs and their masters, each class penned, according to the modern fashion, into its own separate quarters, each stunted and narrowed by the starving of human sympathy which this involved. And so long as the old system of conflicting and limited authorities was permitted to survive, so long there could be small chance of amelioration. There was no body in Liverpool which felt it to be its duty to ensure decent conditions of life for the inhabitants of the town, to forbid the appalling spectacles which Scotland Road or Toxteth presented. Such a body had to be created, and it could only be created by merging in one body, conscious of its responsibility to and for the people of Liverpool, all the scattered and divided powers of the Council and the various Boards and Committees, and all those other necessary powers which had fallen between these stools to the ground.

1. M.C.R., 400 ff.

It was the function of the Municipal Reform Act of 1835 to create such a body, and the Municipal Reform Act therefore marks an epoch, and forms the appropriate conclusion of this study. The nature of the revolution which it effected, and the very gradual realization by the new representative ruling Council of the vast responsibilities and the magnificent opportunities which lay before it form a separate theme, and must be left to be dealt with in a subsequent volume of this series.¹

But vital and epoch-making as this Act was, we shall make a grave mistake if we imagine that it marked a wholly new beginning in the development of our city. There are no new beginnings in history. The new ruling body had to deal with conditions which had been created under the system we have described ; it took over that system as a 'going concern,' and could only make slow and piecemeal changes in it. It was necessarily largely governed by the traditions and the point of view which six centuries had implanted. It built upon foundations already laid for it ; and the history of the making of modern Liverpool must be for ever unintelligible unless it takes into account the long story of development with which we have been here concerned.

1. *History of the Development of Municipal Government in Liverpool during the Nineteenth Century.*

PART II

**CHARTERS, FEE-FARM LEASES AND
OTHER DOCUMENTS**

TRANSCRIBED, TRANSLATED AND EDITED

BY

EDITH M. PLATT, M.A.

CHAPTER I

CHARTERS AND LETTERS PATENT

In this chapter are given full texts, with translations, of all grants of powers to the borough of Liverpool made by the Crown by Charters or Letters Patent. The contractions of the original documents have not been reproduced, but the original spelling is retained. Modern punctuation has been substituted for that of the original, except in the case of the English Charters, which are printed exactly as they are written in the original. All verbal changes or important peculiarities in the manuscripts are recorded in footnotes. To every document an introduction is prefixed, containing in all cases (1) a description of the original document, (2) a list of the chief existing copies and translations, (3) a copy of the docquet, where such exists. In the case of all grants made after the commencement of the municipal records in 1552 there are also added (4) full excerpts from these records bearing upon the application for the charter and the reasons for such application; and to all the longer and more verbose charters (5) an abstract is also prefixed, arranged in numbered sections: corresponding numbers being placed in the margin of the charter, to facilitate reference.

I. LETTERS PATENT OF JOHN

28 August, 1207

This deed, which turned Liverpool into a Free Borough,¹ is often, but inaccurately, described as a Charter. It was executed at the same time and place as the exchange of lands between the King and Henry Fitzwarin, by which John acquired Liverpool.

Description. The original is in the possession of the Corporation of Liverpool, and is housed, like the later Charters, in the Municipal Buildings in Dale Street. It is written on a small piece of vellum, in good condition, seven inches wide, and varying in depth from three to two inches. The writing is the clear elongated characters of the period, and is in excellent preservation, although somewhat faded. The contractions are numerous. The seal is missing.

Copies and Translations. There is a copy in the Record Office among the Patent Rolls, *Cal. Rot. Pat.*, p. 3b. Many copies have been printed *in extenso*, the chief of which are those in the *Trans. Hist. Soc. Lanc. and Ches.*, vol. 36 (1884), p. 53; *Trans. Hist. Soc.*, vol. iv, pp. 7, 8; Brooke's *Liverpool*, p. 22; *App. Mun. Com. Inq. Report* (1833). A lithographed facsimile is to be found in Picton's *Mun. Rec.*, vol. 1.

1. Introduction, p. 15.

Johannes, dei gratia, Rex Anglie, Dominus Hibernie, Dux Normannie, Aquitanie, Comes Andegaue, Omnibus fidelibus suis qui Burgagia apud Villam de Liuerpul habere uoluerint Salutem. Sciatis quod concessimus omnibus fidelibus nostris qui Burgagia apud Liverpul ceperint quod habeant omnes libertates et liberas consuetudines in Villa de Liuerpul quas aliquis Liber Burgus super mare habet in terra nostra. Et ideo uobis mandamus quod secure et in pace nostra illuc ueniat ad Burgagia nostra recipienda et hospitanda. Et in huius rei testimonium has litteras nostras patentes uobis transmittimus. Teste Simone de Pateshill apud Wintoniam xxviii die Augusti anno regni nostri ix^o.

John, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, Count of Anjou, to all his faithful people who have desired to have Burgages in the township of Liverpool, greeting. Know ye that we have granted to all our faithful people who have taken Burgages in Liverpool that they may have all the liberties and free customs in the township of Liverpool which any Free Borough on the sea has in our land. And therefore we command you that securely and in our peace you come there to receive and inhabit our Burgages. And in witness hereof we transmit to you these our Letters Patent. Witness Simon de Pateshill at Winchester on the twenty-eighth day of August in the ninth year of our reign.

II. CHARTER OF HENRY III

24 March, 1229

Description. The original is in the possession of the Corporation of Liverpool. It is written on a single sheet of parchment, nine inches wide by eleven-and-a-half deep. The writing is the fine elongated characters of the period, and the ink is a good black. The seal is wanting, but the brown plaited cords remain.

Copies and Translations. There is a copy in the Record Office, Duchy of Lancaster, 31st Report, p. 7. It is printed with slight inaccuracies in the *App. Mun. Com. Rep.* (1833), and is translated there, as well as in *Trans. Hist. Soc. Lanc. and Ches.*, vol. 36 (1884), pp. 25-6; in Brooke's *Liverpool*, pp. 25-6; Picton's *Mun. Rec.*, vol. 1, pp. 3-4.

Purchase of Charter. The Burgesses of Liverpool paid ten marks for this charter. Under the date 1229 occurs amongst the records of the Rolls of Fines this entry:—

Burgenses de Leuerepul dant x marcas pro habenda carta domini Regis quod uilla de Leuerepul liber burgus sit imperpetuum, et quod ipsi habeant Gildam Mercatoriam cum hansa et alijs libertatibus ad gildam illam pertinentibus, simul cum consuetudinibus et quietancijs sicut plenius continetur in carta quam dominus Rex eis inde fieri fecit. (*Rot. Fin.*, 13 Hen. III, m. 9).

Henricus dei gratia Rex Anglie Dominus Hybernie Dux Normannie et Aquitanie Comes Andegauie, Archiepiscopis Episcopis Abbatibus Prioribus Comitibus Baronibus Justiciariis Vicecomitibus Prepositis Ministris et Omnibus Balliuis et fidelibus suis, Salutem. Sciatis nos concessisse et hac carta mea confirmasse quod Villa nostra de Leuerepul Liber Burgus sit imperpetuum, et quod Burgenses eiusdem Burgi habeant Gildam Mercatoriam cum Hansa et aliis libertatibus et liberis consuetudinibus ad gildam illam pertinentibus ; et quod nullus qui non sit de gilda illa mercandisam aliquam in predicto Burgo faciat, nisi de voluntate eorundem Burgensium. Concessimus eciam eisdem Burgensibus et eorum heredibus quod habeant soc et sac et Thol et Theam et Infangenethef, et quod quieti sint per totam terram nostram et per omnes portus maris de Theloneo Lestagio Passagio Pontagio et stallagio, et quod nullam sectam Comitatum et Wapentatorum faciant de tenuris suis quas tenent infra Burgum predictum. Concessimus eciam eisdem Burgensibus et eorum heredibus quod quicumque Mercatores pecierint Burgum predictum cum Mercandis suis, de quocumque loco fuerint, siue extranei siue alij qui de pace nostra fuerint, uel de licentia nostra in terram nostram uenerint, saluo et secure ad predictum Burgum cum mercandis suis ueniant, et saluo ibidem morentur, et saluo inde recedant, faciendo inde rectas et debitas consuetudines. Prohibemus eciam ne quis predictis Burgensibus iniuriam, dampnum vel molestiam faciat super forisfacturam nostram decem Librarum. Quare uolumus et firmiter precipimus quod predicta Villa de Leuerepul liber Burgus sit, et quod predicti Burgenses habeant predictam Gildam mercatoriam cum Hansa et alijs libertatibus et liberis consuetudinibus ad gildam illam pertinentibus ; et quod habeant omnes alias libertates et liberas consuetudines et quietantias sicut predictum est. Hijs Testibus Hugone de Burgo Comite Kantie Justiciario Anglie, Philippo de Albinacio, Radulfo filio Nicholai, Nicholao de Molis, Johanne filio Philippi, Galfrido Dispensario et Aliis. Datum per manum venerabilis patris Radulfo Cicestrensis Episcopi, Cancellarij nostri, apud Merlebergem, xxiii^o die Marcij Anno regni nostri tercio decimo.

Henry by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, Count of Anjou, to the Archbishops, Bishops, Abbots, Priors, Earls, Barons, Justiciars, Sheriffs, Reeves, Ministers, and all his Bailiffs and faithful people, greeting. Know ye that we have granted and by this our Charter have confirmed that our township of Liverpool shall be for ever a Free Borough, and that the Burgesses of the same borough shall have a Merchant Gild with a Hanse and the other liberties and free customs pertaining to that Gild, and that no one, who is not of that Gild, shall transact any business in the aforesaid Borough except by the consent of the same Burgesses. We have also granted to the same Burgesses and their heirs that they shall have soc and sac and thol and theam and infangenethef, and that they shall be free throughout all our land and through all seaports from toll, lastage, passage, pontage, and stallage; and that they shall do no suit of counties or wapentakes for their tenements which they hold within the aforesaid Borough. We have also granted to the same burgesses and their heirs that those merchants, who shall visit the aforesaid Borough with their merchandise, of whatever place they may be, whether they are foreigners or others who have been of our peace or have come into our land with our consent, shall in safety and security come with their merchandise to the aforesaid Borough, and in safety remain there, and in safety depart thence, paying therefor the right and due customs. We also forbid anyone to injure, damage, or molest the aforesaid Burgesses on pain of forfeiture to us of £10. Wherefore we will and strictly command that the aforesaid township of Liverpool shall be a Free Borough, and that the aforesaid Burgesses shall have the aforesaid Merchant Gild with a Hanse and the other liberties and free customs pertaining to the Gild, and that they shall have all other liberties and free customs and acquittances as is aforesaid. Witnesses: H. de Burgh Earl of Kent Justiciar of England; Philip de Albany; Ralph Fitz Nicholas; Nicholas de Moeles; John Fitz Philip; Geoffrey Despenser, and others. Given by the hand of the venerable father Randulf Bishop of Chichester our Chancellor, at Marlborough, on the twenty-fourth day of March in the thirteenth year of our reign.

III. CHARTER OF ROBERT DE FERRERS

5 February, 1266

Description. The original is missing. In Sir James Picton's paper on the charters of Liverpool in the *Trans. Lanc. and Ches. Hist. Soc.*, vol. 36, there is a note which seems to imply that it was at that time (1885) in the possession of the Corporation, but this apparently must be a mistake. The copy below is taken from the Record Office copy.

Copies and Translations. It is printed *in extenso* in the *Trans. Lanc. and Ches. Hist. Soc.*, vol. 36, pp. 86-7. It is abstracted in BAINES' *Liverpool*, p. 111.

Omnibus ad quos praesens scriptus peruenerit Robertus de fferrers Comes Derbei salutem in domino. Noueritis nos inspexisse

Cartam Burgencium ville de Liuerpol quem habent de Rege Anglie in hec verba. [*Then follows the Charter of John*]. Inspeximus etiam confirmationem domini Henrici Regis Anglie in hec verba. [*Then follows the Charter of Henry III*]. Quibus inspectis et plenius intellectis omnes libertates et liberas consuetudines in predictis carta et confirmatione contentas predictis Burgensibus et heredibus suis pro nobis et heredibus nostris concessimus et confirmauimus imperpetuum. In cuius rei testimonium presenti confirmationi sigillum nostrum apponi fecimus. Hijs testibus dominis Willelmo le Botiller, Roberto le Banastre, Roberto de Lathum, Henrico de Lee, Alano de Wyndhul, Johanne de Euyas, militibus, Thurstano de Holonde, Magistro Roberto rectore Ecclesie de Waleton, Magistro Willelmo de Waleton, Willelmo le Molineus et aliis. Datum apud Liuerpol per manus Magistri H. Lovel Cancellarii nostri Quinto die ffebruarij anno regni Regis Henrici filij Regis Johannis Quinquagesimo.

To all to whom the present writing shall come, Robert de Ferrers, Earl of Derby, greeting in the Lord. Know that we have inspected the Charter of the Burgesses of the town of Liverpool which they have from the King of England in these words. [*Then follows John's Charter*]. We have also inspected the confirmation of the lord Henry King of England in these words. [*Then follows the Charter of Henry III*]. Having inspected and fully understood these, we have conceded and confirmed all the liberties and free customs contained in the aforesaid charter and confirmation, to the aforesaid Burgesses and their heirs, for us and our heirs for ever. In testimony whereof we have caused our seal to be put to the present confirmation. Witnesses : the lords William le Botiller, Robert le Banastre, Robert de Lathum, Henry de Lee, Alan de Wyndhul, John de Euyas, Knights ; Thurstan de Holonde, Master Robert rector of the Church of Walton, Master William of Walton, William le Molineus and others. Given at Liverpool by the hand of Master H. Lovel our Chancellor, the fifth day of February in the fiftieth year of King Henry the son of King John.

IV. CHARTER OF EDWARD III

22 January, 1333

Description. The original is in the possession of the Corporation of Liverpool. It is written on a single piece of vellum, sixteen inches wide by twelve-and-a-half deep. The writing is a fine, bold hand, and is very clear ; the ink is brown.

In the headline there are eleven elongated, floriated, capital letters, but the first letter, the capital E of Edwardus, is not filled in. There is an inch-and-a-half margin all round. The Great Seal, in green wax, is attached by cords of green and pink. The diameter is 4·2 inches. The king is enthroned and crowned, holding in the right hand a short sceptre, ending in a *fleur-de-lys*, and in the left an orb, held in front of the centre of the body; the feet rest on two small lions couchant. In the field, on either side of the throne, is a *fleur-de-lys*, but the one on the left has gone. The legend, which is broken away, was EDWARDVS DEI GRACIA REX ANGLIE DNS HYBERNIE DVX AQVITANIE. On the counterseal is the king, on horseback, wearing a conical helmet encircled by a crown, galloping to sinister, holding in the right hand a sword. His surcoat is charged with three lions passant-gardant in pale of England, which also appear in full on the shield, also on the neck and on the hind quarters of the horse's caparison. The legend is the same as on the other side, but is broken away.

Copies and Translations. It is printed with slight inaccuracies in the *App. Man. Com. Ing. Rep.* (1833), and is also translated there. It is abstracted in Baines' *Liverpool*, p. 146, and in the *Trans. Hist. Soc. Lanc. and Ches.*, vol. 36 (1884), p. 59.

Edwardus' dei gratia Rex Anglie Dominus Hibernie et Dux Aquitanie, Archiepiscopis Episcopis Abbatibus Prioribus Comitibus Baronibus Justiciariis Vicecomitibus Prepositis Ministris et omnibus Balliis et fidelibus suis, salutem. Inspeximus cartam domini Johannis, quondam Regis Anglie progenitoris nostri in hec verba. [*Then follows John's Charter*]. Inspeximus eciam cartam domini Henrici, quondam Regis Anglie proavi nostri in hec verba. [*Then follows Henry III's Charter*]. Nos autem concessionem et confirmationem predictas ratas habentes et gratas, eas pro nobis et heredibus nostris quantum in nobis est prefatis Burgensibus heredibus et successoribus suis concedimus et confirmamus, sicut carte predictae rationabiliter testantur, et prout iidem Burgenses et antecessores sui libertatibus predictis hactenus rationabiliter usi fuerint et gauisi. Hijs testibus Venerabilibus patribus Willielmo Archiepiscopo Eboracensi Anglie primate, Johanne Wyntonensi Episcopo Cancellario nostro, Johanne de Warrenna Comite Cornubie fratre nostro carissimo, Johanne de Radulfo de Nevill senescallo hospicij nostri et alijs. Datum per manum nostram apud Eboracum uicesimo secundo die Januarij anno regni nostri sexto. per finem quadraginta solidorum. Pokel.

1. The initial letter is wanting.

Edward, by the grace of God, King of England, Lord of Ireland and Duke of Aquitaine to the Archbishops, Bishops, Abbots, Priors, Earls, Barons, Justiciars, Sheriffs, Reeves, Ministers, and all his Bailiffs and faithful people, greeting. We have inspected a Charter of the lord John formerly King of England, our ancestor, in these words. [*Then follows John's Charter*]. We have also inspected a Charter of lord Henry formerly King of England, our great grandfather, in these words. [*Then follows Henry III's Charter*]. And we, holding the aforesaid grants and confirmation firm and pleasing, do for us and our heirs, as far as in us lies, grant and confirm them to the aforesaid Burgesses, their heirs and successors, as the aforesaid Charters do reasonably testify, and according as the same Burgesses and their predecessors have hitherto reasonably used and enjoyed the aforesaid liberties. Witnesses: the venerable fathers W. Archbishop of York, Primate of England, John Bishop of Winchester, our Chancellor, John of Eltham, the Earl of Cornwall, our dearest brother, John de Warenne Earl of Surrey, Henry de Beaumont, Henry de Percy, Ralph de Nevill, Seneschal of our Household, and others. Given by our hand at York the twenty-second day of January in the sixth year of our reign. By fine of 40/. Pokel.

V. CHARTER OF RICHARD II

11 June, 1382

Description. The original is in the possession of the Liverpool Corporation. It is written on a single sheet of parchment, nineteen-and-a-half inches wide by fourteen inches deep, with a three-inch margin all round. The parchment is very badly torn at the bottom, but the gaps in the Charter thus caused have been supplied from the Charter of Philip and Mary. The writing is a clear and firm hand, but the initial letter R, three capitals in the headline, and three other capitals at the beginnings of sentences are not filled in. It is written on ruled lines. The Great Seal, in green wax, is attached by green and red silk plaited cords. The diameter is 4.5 inches. The king is enthroned and crowned, holding in the right hand a sceptre and in the left an orb. On each side of the throne is a niche, in which is an oak tree, from the upper part of which is suspended a shield charged with the arms of France (Ancient) and England Quarterly. That to the left is defaced. The base of the throne is supported on a bracket, and on two small side brackets, connected with the central bracket, are two lions sejant, one on each side of the king. The legend is [RICARDVS : DEI : GRACI]A : REX : F[RANCIE : ET :]ANGLIE : ET : DNS : HIBERNIE. On the counterseal is the king in armour galloping to sinister, holding in the right hand a sword and in the left a small shield, which is defaced. On the helmet is a lion passant-gardant crowned. The legend runs RICAR[DVS : D]EI : GRACIA : [REX : FR]ANCIE : ET[ANGLIE : ET : DNS : HIBER]NIE.

Copies and Translations. It is printed with slight inaccuracies in the *App. Mun. Inq. Rep.* (1833), and is translated there. It is abstracted in Baines' *Liverpool*, pp. 170-1, and in the *Trans. Hist. Soc. Lanc. and Ches.* (1884), pp. 60-1.

Ricardus dei gratia Rex' Anglie et ffrancie et Dominus Hibernie,
 Archiepiscopis' Episcopis Abbatibus' Prioribus Ducibus Comitibus

1. The capital letters of these words are wanting.

Baronibus Militibus Justiciariis Vicecomitibus prepositis Balliuis ministris et aliis fidelibus suis, salutem. Inspeximus¹ cartam confirmationis domini Edwardi nuper Regis Anglie aui nostri dilectis nobis Burgensibus uille de Lyuerpull factam in hec verba. [*Then follows Edward III's Charter*]. Nos autem concessionem et confirmationem tam dicti aui nostri quam aliorum progenitorum nostrorum predictas (illa clausula superius expressa, quod nullus qui non sit de gilda illa mercandisam aliquam in predicto Burgo faciat, nisi de uoluntate eorundem Burgensium, penitus excepta) ratas habentes et gratas, eas pro nobis et heredibus nostris, quantum in nobis est, iuxta tenorem carte predictae de gratia nostra speciali acceptamus approbamus ratificamus et prefatis Burgensibus et eorum heredibus et successoribus Burgensibus Burgi predicti tenore presencium concedimus et confirmamus, prout carta predicta rationabiliter testatur. Preterea uolentes eisdem Burgensibus heredibus et successoribus suis gratiam facere Vberiore concessimus eis pro nobis et heredibus nostris et hac carta nostra confirmauimus quod licet ipsi vel predecessores sui Burgenses Burgi predicti aliqua vel aliquibus libertatum seu quietanciarum in dicta carta contentarum, aliquo casu emergente, hactenus plene usi non fuerint, ipsi tamen Burgenses hēdes et successores sui Burgenses Burgi predicti libertatibus et quietanciis predictis et earum qualibet, excepta clausula predicta, decetero plene gaudeant et utantur imperpetuum sine occasione uel impedimento nostri uel heredum nostrorum Justiciariorum Escaetorum Vicecomitum aut aliorum balliuorum seu ministrorum nostrorum quorumcumque. Hijs testibus, venerabilibus patribus W¹[illelmo] electo Cantuariensi confirmato, R¹[oberto] Londoniensi et W¹[illelmo] Wyntoniensi Episcopis, Johanne Rege Castelle et Legionis Duce Lancastrie, Thoma Comite Bukingham Auunculis nostris carissimis, Ricardo Arundell, Thoma Warrenna, Comitibus, Ricardo Lescrop cancellario, Hugone de Segraue Thesaurario nostris, Johanne de Monte Acuto senescallo hospicii nostri et alijs. Datum per manum nostram apud Westmonasterium undecimo die Junij anno regni nostri quinto. Priuato sigillo. Pynynton.

per finem centum solidorum.

1. The initial letter of this word is not filled in.

2. These names are almost illegible in the original, but can be easily supplied from the Charter of Philip and Mary.

Richard, by the grace of God, King of England and France, and Lord of Ireland, to the Archbishops, Bishops, Abbots, Priors, Dukes, Earls, Barons, Knights, Justices, Sheriffs, Reeves, Bailiffs, Ministers, and others his faithful subjects, greeting. We have inspected the charter of confirmation of the lord Edward late King of England our grandfather to our beloved Burgesses of the town of Liverpool made in these words: [*Then follows Edward III's Charter*]. And we holding firm and pleasing the aforesaid grants and confirmations of our said grandfather and of the others our ancestors (that clause above expressed that no one who is not of that Gild shall transact any business in the aforesaid Borough except by the consent of the same Burgesses, being entirely excepted) do, for us and our heirs, as far as in us lies, according to the tenor of the aforesaid Charter, of our special grace accept, approve, ratify them and to the aforesaid Burgesses and their heirs and successors, being Burgesses of the aforesaid Borough, we do, by the tenor of these presents, grant and confirm them, as the aforesaid Charter reasonably testifies. Moreover wishing to do more abundant grace to the same Burgesses, their heirs and successors, we have granted to them for us and our heirs and we have confirmed it by this our Charter that although they or their predecessors, being Burgesses of the aforesaid Borough, shall not in any case hitherto have fully used one or more of the liberties or acquittances contained in the said Charter, yet the Burgesses themselves, their heirs and successors, being Burgesses of the aforesaid Borough, shall henceforth for ever fully enjoy and use the aforesaid liberties and acquittances, and each of them, except the aforesaid clause, without hindrance or impediment of us or of our heirs, of our justices, escheators, sheriffs, or other bailiffs, or ministers whomsoever. Witnesses: the venerable fathers W. the confirmed elect of Canterbury, R. Bishop of London, and W. Bishop of Winchester, John King of Castile and Leon Duke of Lancaster, Thomas Earl of Buckingham our dearest uncles, Richard Earl of Arundel, Thomas Earl of Warwick, Richard Le Scrope our Chancellor, Hugh de Segrave our Treasurer, John de Montacute Seneschal of our Household, and others. Given by our hand at Westminster on the eleventh day of June.

By private seal. Pynynton.
By fine of 100^s.

VI. CHARTER OF HENRY V

29 May, 1413

This deed from the days of Queen Elizabeth almost to the present day has been erroneously ascribed to Henry IV, and was so ascribed by the Town Clerk in 1833 when he supplied a list of the Charters of Liverpool to the Municipal Corporations Commissioners. That the Charter was granted by Henry V, not Henry IV, is obvious from the fact that the grantor in reciting the Charter of Edward III calls that king his great-grandfather. Moreover, the deed was enrolled in 1 Henry V.

Description. The original is in the possession of the Corporation of Liverpool. It is written on a single skin of vellum, measuring nineteen inches wide by

w

sixteen inches deep, but it is a little discoloured. The writing is particularly fine and very clear. The ink is of a greenish tint. The initial letter H is slightly floriated, and nine capital letters in the headline are elongated in a triangular fashion, and one is filled in with a leaf pattern. The Great Seal in green wax much broken is attached by a green silk plaited cord. The diameter is 4·9 inches. The seal is subdivided into several perpendicular spaces with niches and canopies. In the central compartment the King is enthroned and crowned, holding in the right hand a sceptre ending in a *fleur-de-lys*, and in the left an orb. The rest of the inner circle of the Seal is divided vertically into six spaces, three on each side of the throne. In the upper part of the adjourning space on each side is an angel holding a shield. Below the angels on each side is a canopied niche, in each of which is a man at arms holding a banner, that on the right bearing the banner of France (modern) and England quarterly, and that on the left bearing the banner of England. The base of the throne is divided into three panels, each bearing a shield; the first a lion rampant with a bordure engrailed (which should be charged with bezants) representing the Dukedom of Cornwall; the second three ostrich feathers with scrolls attached thereto, being the peace arms of the Black Prince,¹ and perhaps intended to represent the Principality of Wales, and the third, three garbs representing the Earldom of Chester. The legend, which is quite broken away, is HENRICUS • DEI • GRA • REX • ANGLIE • ET • FRANCIE • ET • DNS • HIBERNIE •. On the counterseal is the King on horseback galloping to the right. On the helmit is a lion statant-gardant with extended tail on a chapeau. On the left arm is a shield charged with the arms of France and England quarterly but quite obliterated; and the caparison of the horse is charged both on the neck and hind quarters with the same arms. The legend is the same as on the other side [HENRICVUS • DEI • GRA • REX •] ANGLIE • ET • FRANC [IE • ET • DNS • HIBERN]IE •.

Copies and Translations. It is printed with slight inaccuracies in the *App. Mun. Inq. Rep.* (1833), and is translated there. It is abstracted in Baines' *Liverpool*, p. 178, and in the *Trans. Hist. Soc. Lanc. and Ches.*, vol. 36, pp. 61-2.

Henricus dei gratia Rex Anglie et ffrancie et Dominus Hibernie Omnibus ad quos presentes littere peruenerint, salutem. Inspeximus cartam domini Edwardi nuper Regis Anglie proau nostri factam in hec verba. [*Then follows Edward III's Charter*] Nos autem concessionones et confirmaciones predictas ratas habentes et gratas eas pro nobis et heredibus nostris quantum in nobis, acceptamus approbamus et prefatis Burgensibus heredibus et successoribus suis tenore presencium concedimus et confirmamus, sicut carte predicte rationabiliter testantur, et prout ijdem Burgenses libertatibus et quietancijs predictis uti et gaudere debent ipsique et predecessores sui libertatibus et quietancijs illis a tempore confeccionis cartarum et confirmacionum predictarum rationabiliter usi sunt et

1. This coat of arms, which was first used by Edward the Black Prince, is referred to in his will dated 7th June, 1376: 'nos armez entiers quartilles [*i.e.*, France and England quarterly with a label] et l'autre par la paix de nos bagues des plumes destruce.'

gauisi. In cuius rei testimonium has litteras nostras fieri fecimus patentes. Teste me ipso apud Westmonasterium uicesimo nono die Maij. Anno regni nostri primo.

pro sex marcis solutis in hanaperio.

Ex^a per Johannem Thoraby et Willielmum Prestwyk Clericos.¹

Henry, by the grace of God King of England and France, and Lord of Ireland, to all to whom the present letters shall come, greeting. We have inspected the Charter of the lord Edward, late King of England, our grandfather, made in these words. [*Then follows Edward III's Charter*]. And we holding firm and pleasing the aforesaid grants and confirmations, do for us and our heirs, as far as in us lies, accept, approve, and to the aforesaid Burgesses their heirs and successors, by the tenor of these presents, do grant and confirm them as the aforesaid charters reasonably testify and as the same Burgesses ought to use and enjoy the aforesaid liberties and acquittances, and as they themselves and their predecessors have reasonably used and enjoyed those liberties and acquittances from the time of the completion of the aforesaid charters and confirmations. In witness whereof we have caused these our letters to be made patent. Witness myself at Westminster on the twenty-ninth day of May in the first year of our reign.

For 6 marks paid in the hanaper.

Examined by John Thoraby and William Prestwyk, Clerks.

VII. CHARTER OF PHILIP AND MARY

4 January 1556

Documents relating to attempts to secure a New Charter. "The vth day of Octobr the same said yere [*i.e.* 1555] he [*i.e.* Thomas More Deputy Mayor, 1554-5] Rood towards London on the townes busynesse ptlye . . . wheare mayst More tarried tyll aft Pliamet and terme were endyd so y^t he came not home tyll moday next affore Xmas . . . at whiche tyme of his beyng at london he obteygnd the Graund Charter of the Towne ready to the sealyng to be finisshed agaynst the xiith daye of Xmas then next w^{ch} came to passe & good Comforth for the Towne (Laus Deo) as aperith by the acte it sellffe etc.² A few months later the following entry appears: 'Mayst Mayre [*i.e.* Thomas More Mayor 1555-6] came from London & m^r Robert his brother wyth hym the sunday nyght next aft' [*i.e.* after Feb. 22nd, 1556] tarrying at Tarbock & absentyng hym from the towne all that weke, & the frydaye in the same weke dyd mayst mayre mete a doz. psons at Aterpole in Toxtaffe Park wheare he declared to them much of hys mind about thyngs then necessarye ec^t and there shewyd the new confirmacon."³

Description. The original is in the possession of the Corporation of Liverpool. It is written on a single sheet of parchment, twenty-seven inches wide by twenty-three-and-a-half deep. The writing is clear and good, the ink is black, but

1. Written on the turned flap in a different hand.

2. *Mun. Rec.* I, 14 (a), Copy 14.

3. *Mun. Rec.* I, p. 15 (a) ; Copy, p. 16.

the parchment is somewhat discoloured. Within the loop of the initial letter P are portraits of the King and Queen seated, the Queen to the left the King to the right. The Queen has an orb in the right hand and a sceptre in the left, and the King has an orb in the right hand and a sword in the left. Above them is the royal crown on the back of the canopy, with the letters M, P on scrolls to the sides. Above the first line of the lettering of the Charter are : (i) the cross of St. George, impaling France and England quarterly within a garter inscribed HONI. SOIT. QUI. MAL. Y. PENSE. : (ii) a lion sejant-gardant, supporting a small banner bearing a fleur-de-lys : (iii) a Tudor rose crowned : (iv) a dragon sejant supporting a small banner bearing the cross of St. George. The Great Seal in green wax is attached by green and white plaited cords, very little of it is left, but sufficient to show quite clearly that it is Mary's Great Seal in use before her marriage. The diameter, if it were whole, would be 4.9 inches. The Queen is enthroned and crowned, holding in the right hand a sceptre, and in the left an orb. In the field, on the right side of the Queen, is a shield charged with the arms of France and England quarterly, ensigned with the royal crown, and on the left side a large triple rose ensigned with the royal crown. In the exergue is the motto TEMPORIS FILIA VERITAS. The legend is MARIA D.G. ANGLIE FRANCIE ET HIBERNIE REGINA EIVS NOMINIS PRIMA FIDEI DEFENSOR. On the counterseal is the Queen on horseback facing to the left, crowned. The saddlecloth is diapered with a pattern of lozenges, filled alternately with a castle (for Castile) and a pomegranate (for Arragon). In the field behind the Queen is a large fleur-de-lys, ensigned with a crown. In the exergue is the motto TEMPORIS FILIA VERITAS. The legend is the same as on the other side.

Copies and translations. It is copied with slight inaccuracies in the *App. Mun. Inq. Rep.* (1833), and is also translated there. It is abstracted in Baines *Liverpool*, pp. 211-12, and in *Trans. Hist. Soc. Lanc. and Ches.*, vol. 36 (1884), p. 62.

PHILIPPVS ET MARIA DEI GRATIA REX et Regina Anglie ffrancie Neapolis Jerusalem et Hibernie, fidei defensores Principes Hispaniarum et Cicelie, Archiduces Austrie, Duces mediolani Limburgie Burgundie et Brabancie, Comites Haspurgi fflandrie et Tirolis, OMNIBVS ad quos presentes littere peruenerint salutem. INSPEXIMVS Cartam et litteras patentes Domini Ricardi secundi quondam Regis Anglie progenitoris nostrum predictae Regine factas in hec uerba. [*Then follows Richard II's Charter*]. Nos AVTEM Cartam et litteras predictas ac omnia et singula in eisdem contenta, excepta clausula predicta, rata habentes et grata ea pro nobis et heredibus nostrum predictae Regine, quantum in nobis est, acceptamus et approbamus ac Dilectis nobis nunc Burgen-sibus Burgi predicti et eorum heredibus et successoribus dicti Burgi tenore presencium ratificamus et confirmamus, prout carte et littere predictae rationabiliter testantur. IN CVIVS REI testimonium has

litteras nostras fieri fecimus patentēs. TESTIBVS nobis ipsis apud Westmonasterium quarto die Januarij Annis regnorum nostrorum secundo et tercio.

Adams

Examinatur per nos { Ricardum
Bede et
Johannem Story } clericos.

Taxatur finis ad vi libras.

Nicolao Eboracensi Cancellario.

Philip and Mary, by the grace of God King and Queen of England, France, Naples, Jerusalem and Ireland, defenders of the faith, princes of the Spains and Sicily, Archdukes of Austria, Dukes of Milan, Limburg, Burgundy and Brabant, Counts of Hapsburg, Flanders and Tyrol, to all to whom the present letters shall come, greeting. We have inspected the Charter and Letters Patent of the lord Richard the Second formerly King of England, ancestor of us the aforesaid Queen, made in these words. [*Then follows Richard II's Charter*]. And we holding firm and pleasing the aforesaid charters and letters, and all and singular the things contained therein, except the aforesaid clause, do, for us and the heirs of us the aforesaid Queen, as far as in us lies, accept and approve them, and to our beloved subjects now Burgesses of the aforesaid Borough and their heirs and successors of the said Borough, we do, by the tenor of these presents, grant and confirm them, as the aforesaid charters and letters reasonably testify. In witness whereof we have caused these our letters to be made patent. Witness ourselves at Westminster on the fourth day of July in the second and third years of our reigns.

Examined by us, Richard Bede and John Storey, Clerks.

The fine is taxed at £6.

VIII. CHARTER OF CHARLES I

4 July, 1626

Documents relating to attempts to secure a New Charter. Several efforts were made between 1556 and 1626 by the Burgesses of Liverpool to obtain a new charter.

March 31, 1566. This Day it was mved that m^r mayre & his brother or some of hed comburgesses shuld Repayre to my lord [*i.e.* Lord Derby] & to sr Richard Molineux to obteigne theyr favors in the p^rferment & reformacon of o^r liberties & other convenient Requisites etc. and aft^r this daye noe moore therein spokyn or sayd.¹

Nov. 27, 1617. Whereas there hath bene dyvers somes of money heretofore dispended & defrayed about the procureinge of A new Charter for the Towne and for the confirmacon of the libties there, w^{ch} hitherto hath taken little effect, and this day it beinge moved vnto the R^t worth M^r Edward Moore, y^t hee woulde vndertake the prosecutinge of the same, w^{ch} although hee would not absolutely grante vnto, yet vpon hope hee would vndertake the same busines, it is this day ordered and agreed vpon,

1. *Man. Rec.*, I, 154 (b). Copy, p. 360.

y^t a lay of x^{li} shalbee Levied, and gaithered wthin this Towne of the Inhabitants, wthin the said Towne onely ; And y^t all forrayne burgesses shall furtherpaie, after the same Rate as they are abillited for their Towne bgaines, and if any forrayne Burgesse shall refuse to pay such lay he and they to loose the benefite of their freedome.¹

Description. The original is in the possession of the Corporation. It is written on two large skins of vellum, the first measuring thirty inches wide by twenty-eight inches deep, the second thirty inches wide by twenty-five inches deep. There are no stamps. The writing is a good round text, clear, and easy to decipher, and not faded, although the ink is a little brown. Within the C, in pen and ink and grey water-colour, is a half length portrait of the king crowned in his robes, holding a sceptre in the right hand and an orb in the left. Below are written the words *Carole's Rex*. Among the scrolls, above the first line of the lettering of the charter, are : (i) a lion sejant-gardant, crowned, supporting a small banner bearing the cross of St. George ; (ii) a Tudor rose crowned ; (iii) a unicorn sejant, supporting a small banner bearing the cross of St. Andrew ; (iv) a large fleur-de-lys. The second membrane is not decorated. The seal, which is attached by a red and white plaited cord, is stitched up in a linen bag, and is in fragments.

Copies and Translations. It is printed in the *App. Mun. Com. Inq. Rep.* (1833) with some inaccuracies. It should be noticed however that this does not purport to be a copy of this document, but of the recital of it in William III's Charter. Even with this proviso the copy is not quite accurate. It is translated in full in the *Mun. Com. Inq. Rep.* (1833) p. 13, and is abstracted in the *Trans. Hist. Soc. Lanc. and Ches.*, vol. 36 (1884), pp. 62-4, and in BAINES' *Liverpool*, p. 293.

Docquet. The following extract from the Docquet Books now in the Record Office is interesting as giving the contemporary epitome of the Charter. The reference to the Statute Merchant is particularly noteworthy.²

June, 1626

Liverpoole } A Grant and Confirmacon vnto the Maior Bailiffes and Burgesses of the
Grant } Towne of Liverpoole in the County of Lancaster of all their Ancient
Liberties wth an addicon of a Clause for y^e Acknowledgm^t of Statute Merchaunt and
such further explanacons as may tend to their better Governem^t Subsc. by M^r
Attorney Generall upon significacon of his Ma^{ty} pleasure by M^r Aylesbury.

ABSTRACT

1. Incorporation of Liverpool.
2. Powers given to the Body Corporate to hold purchase and alienate lands etc.
3. And to have a Common Seal.
4. Appointment of a Mayor and two Bailiffs.
5. Powers given to the Body Corporate to make bye-laws, and enforce them by imprisonment or fines, the latter to be levied to the use of the Corporation.
6. Nomination of Lord Strange as the first Mayor, and of Richard Tarleton and James Sotherne as the first Bailiffs.
7. Election of future Mayors annually on St. Luke's Day.
8. Oath of the Mayors.
9. Provisions in case of the death or removal of a Mayor.

1. *Mun. Rec.*, II, 822.

2. See *Introduction*, p. 92.

10. Election of future Bailiffs on St. Luke's Day.
11. Oath of the Bailiffs.
12. Provisions in case of the death or removal of a Bailiff.
13. Powers given to the Body Corporate and the Common Clerk to take recognizances of debt.
14. And to seal such recognizances with a seal of two unequal parts.
15. Nomination of Robert Dobson, Common Clerk, to be the Clerk to take such recognizances.
16. Provision that all future Common Clerks be the Clerks to take such recognizances.
17. Appointment of the Mayor and Senior Alderman to be J.P.s for Liverpool.
18. Confirmation of all rights and privileges enjoyed under former Charters.
19. *Non obstante* clauses.
20. Witness and date.

I CAROLVS DEI GRATIA ANGLIE SCOCIE Francie et Hibernie Rex, fidei defensor, etc. Omnibus ad quos presentes litere peruenerint, salutem. Cvm Villa nostra de Leuerpoole in Comitatu Pallantino nostro Lancastrie sit Villa antiqua et populosa et antiquus et solus Portus in dicto Comitatu Pallantino nostro Lancastrie, Ac Maior Balliui et Burgenses uille predicte, a tempore cuius contraria memoria hominum non existit, diversas libertates franchises immunitates et preheminentes habuerint et usi et gauisi fuerint, tam ratione diuersarum Cartarum et litterarum Patentium diuersorum Progenitorum et Antecessorum nostrorum nuper Regum et Reginarum Anglie eis et Predecessoribus suis per nomen Maioris Balliuorum et Burgensium Ville de Leuerpoole in Comitatu Lancastrie seu per aliquod aliud nomen siue alique alia nomina preantea factarum et concessarum, quam ratione uel pretextu diuersarum prescripcionum et consuetudinum in eadem Villa usitatarum et consuetarum ; Cvmque dilecti subditi nostri Maior Balliui et Burgenses eiusdem Ville nobis humillime supplicauerint quatenus nos eisdem Maiori Balliuis et Burgensibus gratiam et munificenciam nostram regiam exhibere et extendere uelimus, Quodque nos pro meliori regimine gubernacione et melioracione eiusdem Ville et Portus, dictos Maiorem Balliuos et Burgenses eiusdem Ville de Leuerpoole, per quodcunque nomen incorporacionis siue per quecunque nomina incorporacionis ante-

hac incorporati fuerunt, et utrum antehac incorporati fuerunt siue non, in unum Corpus corporatum et polliticum per nomen Maioris Balliuorum et Burgensium Ville de Leuerpoole in Comitatu Lancastrie per litteras nostras Patentes facere redigere creare et confirmare dignaremur, prout nobis melius videbitur expedire; nos igitur uolentes quod de cetero imperpetuum in eisdem Villa et Portu habeatur continuounus rectus et indubitatus modus de et pro custodia pacis et regimine et gubernacione populi nostri ibidem, et quod Villa et Portus predicti de cetero imperpetuum sit et remaneat uilla et portus pacis et quietus ad formidinem et terrorem malefactorum et in premium bonorum et quod pax nostra de ¹ [et] cetera facta de Jure ibidem melius custodiri possint et ualeant, Sperantesque quod si dicti Maior Balliui et Burgenses uille predictae et Successores sui amplioribus ex concessione nostra gaudere poterint libertatibus et priuilegijs, tunc ad seruitia que poterint nobis heredibus et Successoribus nostris imponenda et exhibenda specialius forciusque sentiant se obligatos; De gratia nostra speciali ac ex certa scientia et mero motu nostris uoluimus ordinauimus constituimus declarauimus et concessimus ac per presentes pro nobis heredibus et Successoribus nostris uolumus ordinamus constituimus declaramus et concedimus, quod dicta uilla de Leuerpoole in Comitatu Lancastrie de cetero imperpetuum sit et erit libera uilla de se, Et quod Burgenses eiusdem uille et Successores sui de cetero imperpetuum sint et erint vigore presencium unum corpus corporatum et polliticum in re facto et nomine per nomen Maioris Balliuorum et Burgensium Ville de Leuerpoole in Comitatu Lancastrie, et eos per nomen Maioris Balliuorum et Burgensium Ville de Leuerpoole in Comitatu Lancastrie unum Corpus corporatum et polliticum in re facto et nomine realiter et ad plenum pro nobis heredibus et Successoribus nostris erigimus facimus ordinamus constituimus confirmamus et declaramus

1. 'De' in the original is inserted; but is a mistake for 'et.'

- per presentes ; Et quod per idem nomen habeant successionem
 2 perpetuam. Et quod ipsi per nomen Maioris Balliuorum et
 Burgensium Ville de Leuerpoole in Comitatu Lancastrie sint
 et erunt perpetuis futuris temporibus persone habiles et in lege
 capaces ad habenda perquirenda recipienda et possidenda
 maneria terras tenementa libertates priuilegia Jurisdicciones
 franchises et hereditamenta, cuiuscunque fuerint nature vel
 speciei, sibi et Successoribus suis in feodo et perpetuitate aut
 pro termino Anni uel Annorum aut aliter quocunque modo ;
 Aceciam bona et cattalla ac quascunque alias res, cuiuscunque
 generis nominis nature qualitatis uel speciei fuerint ; Necnon
 ad danda concedenda dimittenda alienanda assignanda et
 disponenda terras tenementa et hereditamenta, et ad omnia
 et singula alia facta et res facienda et exequenda per nomen
 predictum ; Et quod per idem nomen Maioris Balliuorum
 et Burgensium Ville de Leuerpoole placitare et implacitari,
 respondere et responderi, defendere et defendi ualeant et possint,
 in quibuscunque Curijs placitis et locis, ac coram quibuscunque
 Iudicibus et Justiciarijs ac alijs personis et Officiarijs nostris
 ac heredum et Successorum nostrorum, in omnibus et singulis
 accionibus placitis sectis querelis causis materijs et demanndis
 quibuscunque, cuiuscunque sint aut erunt generis nominis
 nature, qualitatis seu speciei, eisdem modo et forma prout aliqui
 alij ligei nostri huius Regni nostri Anglie, persone habiles et
 capaces in lege, siue aliquod aliud Corpus corporatum et polli-
 ticum infra Regnum nostrum Anglie, habere perquirere
 recipere possidere gaudere retinere dare concedere dimittere
 alienare assignare et disponere, placitare et implacitari, re-
 spondere et responderi, defendere et defendi, facere per-
 3 mittere siue exequi possint et ualeant. Et quod Maior Balliui
 et Burgenses Ville predictae imperpetuum habeant commune
 Sigillum pro causis et negocijs suis et Successorum suorum
 quibuscunque agenda servitur ; Et quod bene liceat et licebit

1. 'Quibuscunque' is inserted above the line in the original.

eisdem Maiori Balliuis et Burgensibus et Successoribus suis sigillum illud ad libitum suum de tempore in tempus frangere mutare et de novo facere, prout melius fore et fieri videbitur.

- 4 ET ULTERIUS uolumus ac per presentes pro nobis heredibus et Successoribus nostris concedimus prefatis Maiori Balliuis et Burgensibus uille predicte et Successoribus suis, quod de cetero imperpetuum sit et erit unus de Burgensibus uille predicte in forma infra in hijs presentibus mencionata eligendus qui erit et nominabitur maior eiusdem uille ; Quodque similiter sint et erunt infra uillam predictam duo de Burgensibus uille predicte in forma inferius in hijs¹ presentibus mencionata eligendi, qui erunt et nominabuntur Balliui eiusdem uille ;
- 5 ET ULTERIUS uolumus ac per presentes pro nobis heredibus et Successoribus nostris concedimus prefatis Maiori Balliuis et Burgensibus uille predicte et Successoribus suis, quod Maior Balliui et Burgenses uille predicte pro tempore existente, uel maior pars eorum, (quorum prefatum Maiorem et alterum Balliuorum uille predicte pro tempore existente duos esse uolumus) super summonicionem publicam inde fiendam ad hoc congregare, habeant et habebunt plenam potestatem et auctoritatem concedendi constituendi ordinandi et faciendi, de tempore in tempus, leges statuta constitutiones decreta et ordinationes rationabiles in scripta quecunque que eis aut maiori parti eorum (quorum Maiorem et alterum Balliuorum uille predicte pro tempore existente duos esse uolumus) bona salubria utilia honesta et necessaria iuxta sanas discreciones fore uidebuntur, pro bono regimine et gubernacione uille predicte ac omnium et singulorum Officiariorum Ministrorum Artificium Inhabitantium et Residentium quorumcunque infra uillam predictam et libertates eiusdem pro tempore existente, ac pro declaracione quo modo et ordine ijdem Maior Balliui et Burgenses ac omnes et singuli Officiarij Inhabitantes et Residentes

1. 'Hijs' is inserted above the line in the original.

uille predicte in Officijs funcctionibus Ministerijs Artificijs et negocijs suis infra uillam predictam ac¹ libertates et precincta eiusdem pro tempore existente sese habebunt gerent et utentur, pro ulteriori bono publico communi utilitate et bono regimine uille predicte ac victualacione eiusdem ac rebus et causis alijs quibuscunque uille predicte tangentibus siue quomodo concernentibus. Quodque ijdem Maior, Balliui et Burgenses uille predicte pro tempore existente uel maior pars eorum, (quorum prefatum Maiorem et alterum Balliuorum uille predicte pro tempore existente duos esse uolumus) quociuscunque huiusmodi leges Instituciones iura ordinationes et constitutiones fecerint condiderint ordinauerint uel stabiliuerint in forma predicta huiusmodi et tales penas puniciones penaltates per imprisonment Corporis uel per fines et amerciamenta uel per eorum utrumque erga et super omnes Delinquentes contra huiusmodi leges iura ordinationes et constitutiones siue eorum aliquod siue aliqua, qualia et que eisdem Maiori Balliuis et Burgensibus uille predicte pro tempore existente uel maiori parti eorundem, (quorum prefatum Maiorem et alterum Balliuorum uille predicte pro tempore existente duos esse uolumus) necessaria opportuna et requisita pro obseruatione earundem legum ordinationum et constitutionum melius fore uidebitur facere ordinare limitare et prouidere, ac eadem fines et amerciamenta levare et habere possint et ualeant² ad usum prefatorum Maioris, Balliuorum et Burgensium et Successorum suorum, absque impedimento nostri heredum uel Successorum nostrorum uel alicuius uel aliquorum Officiariorum uel Ministrorum nostrorum heredum uel Successorum nostrorum et absque aliquo Compositione nobis heredibus seu Successoribus nostris inde reddendo; Que omnia et singula ordinationes iura et constitutiones sic ut prefertur fienda obseruari uolumus sub penis in eisdem continendis; Ita tamen

1. 'Ac' is inserted above the line in the original.
2. 'Valeant' is inserted above the line in the original.

- quod leges ordinaciones constitutiones imprisonamenta fines et amerciamenta huiusmodi sint rationabilia, et non sint repugnantia nec contra leges statuta consuetudines siue iura
- 6 Regni nostri Anglie. Et pro meliori execucione uoluntatis et concessionis nostre in hac parte assignauimus nominauimus creauimus constituimus et fecimus, ac per presentes pro nobis heredibus et Successoribus nostris assignamus nominamus creamus constituimus et facimus predilectum Jacobum Stanley Dominum Strange, ffilium et heredem apparentem predilecti et perquamfidelis Consanguinei nostri, Willielmi Comitis Derbie, fore et esse primum et modernum Maiorem uille predicte, uolentes quod predictus Jacobus Stanley Dominus Strange in Officio Maioritatis predicte uille erit et continuabit a dato presencium usque festum sancti Luce proxime sequentem et exinde quousque aliquis alius Burgensis uille predicte ad Officium illud debito modo electus prefectus et iuratus fuerit iuxta ordinaciones et prouisiones in hijs presentibus inferius expressas et declaratas, si idem Jacobus Stanley Dominus Strange tam diu uixerit. ASSIGNAVIMVS eciam nominauimus creauimus et constituimus, ac per presentes pro nobis heredibus et Successoribus nostris assignamus nominamus creamus et constituimus dilectos nobis Richardum Tarleton et Jacobum Sotherne fore et esse duos primos et modernos Balliuos uille predicte continuandos in eisdem Officijs usque predictum festum sancti Luce proxime sequentem post datum presencium et exinde quousque duo alij de Burgensibus uille predicte ad Officium illud debito modo electi et prefecti fuerint iuxta ordinaciones et prouisiones in hijs presentibus inferius expressas et declaratas, si iidem Richardus et Jacobus Sotherne tam diu uixerint; Nisi interim pro mala gubernacione siue male se gerendis in ea parte aut pro aliqua alia causa rationabili ab Officio illo amoti
- 7 erunt aut eorum aliquis amotus erit. ET VLTERIVS uolumus et per presentes pro nobis heredibus et Successoribus nostris damus et concedimus prefatis Maiori Balliuis et Burgensibus

et Successoribus suis, quod Maior Balliui et Burgenses predicti pro tempore existente uel maior pars eorumdem de tempore in tempus perpetuis futuris temporibus potestatem et auctoritatem habeant et habebunt annuatim et quolibet Anno imperpetuum in festum sancti Luce eligendi et nominandi, et quod eligere et nominare possint unum de seipsis qui erit Maior uille predicte pro uno Anno integro tunc proxime sequente.

- 8 Quodque ille[illi]¹ sic ut prefertur, postquam electus et nominatus fuerit in Officio Maioris uille predicte, antequam ad Officium illud exequendum admittatur, Sacramentum corporale coram ultimo Maiore Predecessore suo et Balliuis uille predicte pro tempore existente et Burgensibus eiusdem uille uel tot eorum qui ad tunc interfuerint, ad Officium illud recte bene et honeste in omnibus Officium illud tangentibus exequendum prestabit. Et post huiusmodi sacramentum sic prestitum, officium Maioris uille predicte pro uno Anno integro extunc proxime sequente
- 9 exequi ualeat et possit. Et si contigerit Maiorem uille predicte sic electum et pro tempore existente infra unum Annum postquam ad Officium Maioris uille predicte sic ut prefertur electus et iuratus fuerit obire aut ab Officio illo amoveri, quod tunc et toties bene liceat et licebit prefatis Balliuis et Burgensibus uel maiori parti eorumdem pro tempore existente, in tempore conueniente post mortem siue amocionem alicuius huiusmodi Maioris, unum alium de seipsis in Maiorem uille predicte eligere et preficere secundum ordinationem et provisionem in hijs presentibus declaratas; Et quod ille sic electus ut prefertur in Officium maioris uille predicte, Officium illud habeat et exerceat durante residuo eiusdem Anni, sacramento corporali in forma predicta prius prestito, et sic toties quociens
- 10 casus sic acciderit; Et VLTERIVS uolumus et pro nobis heredibus et Successoribus nostris per presentes concedimus quod predicti Maior Balliui et Burgenses uille predicte pro tempore existente

1. It is 'illi' in the original.

- de tempore in tempus perpetuis futuris temporibus potestatem et auctoritatem habeant et habebunt annuatim et quolibet Anno imperpetuum in predicto festo sancti Luce eligendi et nominandi, et quod eligere et nominare possint duos de seipsis qui erunt Balliui uille predicte pro uno Anno integro tunc proxime
- 11 sequente. Quodque illi, postquam sic ut prefertur electi et nominati fuerint in Officium Balliuorum uille predicte, antequam ad Officium illud exequendum admittantur, sacramentum corporale coram Maiore et ultimo Balliuo uille predicte pro tempore existente et Burgenses uille predicte uel tot eorum qui adtunc interfuerunt, ad Officium illud recte bene et fideliter exequendum in omnibus Officium illud tangentibus prestabunt Et quod post huiusmodi sacramentum sic prestitum, Officium Balliuorum uille predicte pro uno Anno integro extunc proxime sequente exequi valeant et possint; nisi interim pro male se gerendis aut pro aliqua alia causa rationabili per Maiorem¹ et Burgenses uille predicte aut maiorem partem eorumdem
- 12 amoti sint uel eorum alter amotus erit. Et si contigerit Balliuos uille predicte uel eorum alterum pro tempore existente infra unum Annum postquam ad Officium Balliui aut Balliuorum uille predicte sic ut prefertur electi et iurati fuerint uel fuerit obire aut ab Officio illo amoveri, quod tunc et tocies bene liceat et licebit prefatis Maiori et Burgensibus uille predicte pro tempore existente aut maiori parte eorumdem unum alium uel duos alios de seipsis Ballium siue Balliuos uille predicte eligere et preficere, secundum ordinationem et prouisionem in hijs presentibus superius declaratas, et quod ille siue illi Officium illud habeat et exerceat, habeant et exerceant, durante residuo Anni, sacramento corporali in forma predicta prius
- 13 prestito; Et sic tocies quociens casus sic acciderit; Et ulterius uolumus ac per presentes pro nobis heredibus et Successoribus nostris concedimus prefatis Maiori et Balliuis et Burgensibus

1. With this word the second sheet begins.

uille predicte et Successoribus suis quod Maior Balliui et Burgenses uille predicte pro tempore existente et Clericus ad Recognitiones debitorum secundum formam Statuti Mercatorum et Statuti de Acton Burnell accipiendas assignandus modo et forma inferius in hijs presentibus expressis aut mencionatis appunctuandus, habeant imperpetuum plenam potestatem et auctoritatem capiendi et recipiendi quascunque Recognitiones et execuciones inde faciendas iuxta formam statuti Mercatorum et statuti de Acton Burnell nuper editi; Necnon omnia alia facienda et exequenda, que vigore eorundem Statutorum seu eorum alicuius ad aliquem Maiorem et ad aliquem Clericum in aliqua Ciuitate Burgo siue uilla incorporata infra hoc Regnum nostrum Anglie ad recognitiones debitorum secundum formam Statutorum predictorum uel eorum alterius appunctuatum uel eorum aliquem pertinent uel pertinere possint uel debeant.

- 14 Et quod ijdem Maior Balliui et Burgenses et Clericus pro tempore existente habeant et habebunt et uigore presencium con-
ficient assument et applicabunt unum Sigillum de duabus
pecijs, cuius una pars erit maior pars, et altera pars eiusdem
erit minor pars, ad Recognitiones predictas coram eis imposterum
recognoscendis sigillandas, iuxta formam Statutorum predictorum
de Mercatoribus et in Acton Burnell predictorum; Quod quidem
Sigillum erit et approbabitur deinceps imperpetuum Sigillum
nostrum heredum et Successorum nostrorum ad Recognitiones
predictas infra uillam predictam capiendas et sigillandas; Cuius
quidem Sigilli maior pars semper remanebit in Custodia Maioris
eiusdem uille pro tempore existente et altera pars eiusdem
Sigilli erit et remanebit imperpetuum in manu Clerici pro
tempore existente deputati uel appunctuati ad recognitiones
predictas scribendas et irrotulandas secundum intencionem
- 15 harum litterarum nostrarum Patencium; Et pro meliori execu-
cione uoluntatis nostre in hac parte uolumus ac per presentes
pro nobis heredibus et Successoribus nostris concedimus prefatis
Maiori Balliuis et Burgensibus uille predicte et Successoribus

suis et ordinamus quod Robertus Dobson generosus communis Clericus uille predicte sit et erit Clericus noster heredum et Successorum nostrorum ad recogniciones debitorum secundum formam Statutorum predictorum et eorum alterius infra uillam predictam accipiendas scribendas et irrotulandas, et ad Rotulos memoranda et Recorda inde seruanda et custodienda, ac ad minorem peciam sigilli predicti custodiendam, ac ad omnia alia facienda et exequenda que ad aliquem Clericum ad Recogniciones debitorum secundum formam Statutorum predictorum uel eorum alterius appunctuatum pertinent facienda et exequenda; dictumque Robertum Dobson Clericum heredum et Successorum nostrorum ad Recogniciones debitorum infra uillam predictam secundum formam Statutorum predictorum et eorum alterius accipiendas scribendas et irrotulandas; Et ad minorem peciam sigilli predicti custodiendam et ulterius ad omnia alia facienda que ad aliquem Clericum ad Recogniciones debitorum secundum formam Statutorum predictorum et eorum alterius appunctuatum pertinent facienda uel exequenda pro nobis heredibus et Successoribus nostris facimus ordinamus et constituimus per presentes; Et ~~VLTERIVS~~ uolumus et concedimus prefatis Maiori Balliuis et Burgensibus uille predicte et Successoribus suis et per presentes pro nobis heredibus et Successoribus nostris ordinamus quod communis Clericus eiusdem uille pro tempore existente sit et erit perpetuis futuris temporibus Clericus noster heredum et Successorum nostrorum ad recogniciones debitorum secundum formam Statutorum predictorum et eorum alterius accipiendas scribendas irrotulandas, et ad Rotulos memoranda et Recorda inde custodienda, ac ad minorem peciam sigilli predicti custodiendam, et ulterius ad omnia alia facienda et exequenda que ad aliquem¹ Clericum recognicionum debitorum secundum formam Statutorum predictorum et eorum alterius appunctuatum pertinent facienda uel exequenda, dic-

1. 'Aliquem' is inserted above the line in the original.

tumque communem Clericum uille predictæ pro tempore existente pro nobis heredibus et Successoribus nostris Clericum nostrum heredum et Successorum nostrorum ad recogniciones debitorum infra uillam predictam, secundum formam Statutorum predictorum et eorum alterius, accipiendas scribendas et irrotulandas, et ad minorem peciam sigilli predicti custodiendam, et ulterius ad omnia alia facienda et exequenda que ad aliquem Clericum ad recogniciones debitorum secundum formam statutorum predictorum et eorum alterius appunctuatum pertinent facienda uel exequenda pro nobis heredibus et Successoribus nostris facimus ordinamus et constituimus per presentes. Et

17 VLTERIVS uolumus ac per presentes pro nobis heredibus et Successoribus nostris concedimus prefatis Maiori Balliuis et Burgensibus et Successoribus suis, quod Maior uille predictæ pro tempore existente et senior Aldermannus eiusdem uille pro tempore existente sint et erunt uel eorum uterque de cetero imperpetuum sit et erit Justiciarij nostri et heredum et Successorum nostrorum ad pacem in eadem uilla libertates et precincta eiusdem conseruanda, necnon ad Statuta de Artificibus et laboratoribus, ponderibus et mensuris, infra uillam predictam libertates et precincta eiusdem conseruanda corrigenda seu corrigi facienda. Et quod dictus Maior pro tempore existente et senior Aldermannus eiusdem uille habeant et habebunt plenam potestatem et auctoritatem ad inquirendum de quibuscunque transgressionibus misprisionibus et alijs inferioribus delictis defectis et articulis infra uillam predictam precincta et libertates eiusdem factis motis siue perpetratis, que coram Custodibus pacis et Justiciarijs in aliquo Comitatu Regni nostri Anglie per leges et Statuta eiusdem Regni ut Justiciarij pacis inquire debent et poterint. Ita tamen quod ad determinacionem alicuius prodiccionis murdri siue felonie uel alicuius alterius materie tangentis amissionem vite uel membrorum infra uillam predictam libertates uel precincta eiusdem absque speciali mandato nostro heredum uel Successorum nostrorum quoquomodo non procedant.

- 18 ET ULTERIUS de ampliori gracia nostra speciali ac ex certa scientia et mero motu nostris concedimus et confirmamus pro nobis heredibus et Successoribus nostris prefatis Maiori Balliui et Burgensibus uille predicte et Successoribus suis omnes et omnimodas legitimas libertates priuilegia franchises immunitates execuciones consuetudines quietancias et iurisdicciones quas-cunque, necnon omnia et singula eadem et huiusmodi terras tenementa et hereditamenta, que Maior Balliui et Burgenses uille predicte aut eorum aliquis uel aliqui per quecunque nomina siue per quodcunque nomen uel per quamcunque Incorporacionem uel pretextu cuiuscunque Incorporacionis antehac habuerunt usi uel gauisi fuerunt aut habere tenere uti uel gaudere debuerunt habuit tenuit usus uel gausus fuit debuit uel debuerunt, eis et Successoribus suis imperpetuum de statu hereditario racione uel pretextu aliquarum cartarum Literarum Patencium per aliquem Progenitorum siue Antecessorum nostrorum Regum uel Reginarum Anglie antehac factaram confirmatarum uel concessarum, siue quocunque alio legali modo iure seu titulo consuetudine usu uel prescriptione antehac legitime usitata habita seu consueta; TENENDVM de nobis heredibus et Successoribus nostris per talia eadem huiusmodi et consimilia redditus et seruitia per qualia et prout eadem de nobis aut Predecessoribus nostris preantea tenebantur, et non per alia. QUARE VOLVMVS et firmiter iniungendo precipimus pro nobis heredibus et Successoribus nostris quod predicti Maior Balliui et Burgenses uille predicte et Successores sui habeant teneant utantur et gaudeant, ac habere tenere uti et gaudere ualeant et possint imperpetuum omnes libertates authoritates iurisdicciones franchises et quietancias predictas secundum tenorem et effectum harum litterarum nostrarum Patencium, sine occasione siue impedimento nostro heredum uel Successorum nostrorum Justiciariorum Vicecomitum siue aliorum Balliuorum nostrorum heredum siue Successorum nostrorum quorumcunque. NOLENTES quod iidem Maior Balliui

et Burgenses uille predicte uel eorum aliquis siue aliqui ratione premissorum siue eorum alicuius per nos uel per heredes nostros Justiciarios Vicecomites Escaetores aut alios Balliuos aut ministros nostros heredum uel Successorum nostrorum quorumcunque inde occasionentur molestentur uexentur seu grauentur, occasionetur molestetur seu in aliquo perturbetur. **VOLENTES** et per presentes mandantes et precipientes tam Thesaurario Cancellario et Baronibus Scaccarij nostri Westmonasterij ac alijs Justiciarijs nostris ac heredum et Successorum nostrorum quam Attornato et Solicitatore nostris generalibus pro tempore existente et eorum cuilibet et omnibus alijs Officiarijs et ministris quibuscunque, nec ipsi seu eorum aliquis uel aliqui aliquod breue siue summonicionem de quo warranto siue aliquod aliud breue breuia uel processas nostras quascunque uersus Maiorem Balliuos et Burgenses uille predicte siue eorum aliquem uel aliquos pro aliquibus causis rebus materijs offensis clameo aut usurpacione, aut eorum aliquo per ipsos siue eorum aliquos debitis clamatis attemptatis usitatis habitis seu usurpatis ante diem confeccionis presencium prosequantur aut continuantur aut prosequi et continuari facient et causabunt, uel eorum aliquis faciet et causabit **VOLENTES** eciam quod ijdem Maior Balliui et Burgenses uille predicte siue eorum aliquis per aliquem Justiciarium Officiarium uel ministrum predictum in aut pro predictis debito usu clameo uel abusu aliquarum aliarum libertatum, franchisesiarum aut iurisdiccionum infra uillam predictam uel libertates eiusdem ante diem confeccionis harum nostrarum litterarum Patencium minime molestentur aut impediuntur aut ad ea uel eorum aliquod respondere compelluntur. **ET ULTERIVS** de uberiori gratia nostra speciali ac ex certa scientia et mero motu nostris uolumus et per presentes pro nobis heredibus et successoribus nostris concedimus prafatis Maiori Balliuis et Burgensibus et Successoribus suis quod he litere nostre Patentes uel Irrotulamentum earumdem erunt in omnibus et pro omnia firme ualide bone et sufficientes

et effectuales in lege erga et contra nos heredes et Successores nostros tam in omnibus Curijs nostris, quam alibi infra Regnum nostrum Anglie, absque aliquibus alijs confirmacionibus licentijs uel toleracionibus de nobis heredibus uel Successoribus nostris imposterum per predictos Maiorem Balliuos et Burgenses aut

19 Successores suos procurandis aut obtinendis. NON OBSTANTE male recitandum uel male nominandum, aut non recitandum aut non nominandum predictam uillam ac cetera premissa uel aliquam inde parcellam. Et non obstante non inueniendum Officium aut Inquisitionem premissorum aut alicuius inde parcelle per que titulus noster inueniri debuit ante confeccionem harum literarum nostrarum Patencium. Et non obstante male recitandum, male nominandum, uel non recitandum aut non nominandum aliquem dimissionem siue concessionem de premissis uel de aliqua inde parcella factam existentem de Recordo, uel non de Recordo. Et non obstante male nominandum uel non nominandum aliquam uillam hamletam Parochiam locum uel Comitatum in quibus premissa aut inde aliqua parcella existunt uel existit. Et non obstante quod de nominibus Tenentium ffirmariorum siue occupatorum premissorum uel alicuius inde parcelle plena uera et certa non fit mencio. Et non obstante aliquibus defectibus de certitudine uel computatione aut declaracione ueri annualis ualoris premissorum aut alicuius inde parcelle aut annualis redditus reseruati de et super premissis uel de et super aliquam inde parcellam in hijs literis nostris Patentibus expressi et contenti. Et non obstante aliquibus defectibus in non nominando aut in male nominando aliquem Tenentem ffirmarium siue occupatorem premissorum aut alicuius inde parcelle. Et non obstante Statuto in parlamento Domini Henrici nuper Regis Anglie sexti Antecessoris nostri Anno Regni sui decimo octauo facto et edito. Et non obstante aliquibus alijs defectibus in non recte nominando nature generis speciei quantitatis et qualitatis premissorum aut alicuius inde parcelle. VOLVMVS eciam et per

presentes pro nobis heredibus et Successoribus nostris concedimus prefatis Maiori Balliuis et Burgensibus uille predictæ et Successoribus suis quod habeant et habebunt has literas nostras Patentes tam sub magno Sigillo nostro Angliæ, quam sub Sigillo Ducatus nostri Lancastriæ, debito modo factas et sigillatas absque fine seu feodo magno uel paruo nobis in hanaperio nostro seu alibi ad usum nostrum quoquo modo reddendo soluendo seu faciendo. Eo quod expressa mencio de uero ualore annuo aut de certitudine premissorum uel alicuius aut de alijs donis siue concessionibus per nos seu per aliquem progenitorum siue predecessorum nostrorum prefatis Maiori Balliuis et Burgensibus ante hec tempora factis in presentibus minime facta existit, aut aliquo Statuto Actu ordinatione prouisione proclamatione siue restrictione antehac habita facta edita ordinata siue prouisa aut aliqua alia re causa uel materia quacunque in contrarium inde in aliquo non obstante

20 IN CVIVS rei testimonium has literas nostras fieri fecimus Patentes et eisdem tam magnum Sigillum nostrum Angliæ, quam Sigillum Ducatus nostri Lancastriæ apponi fecimus. TēTE me ipso apud Westmonasterium quarto die Julij Anno regni nostri secundo. per literas de priuato Sigillo, Wolseley.

Taxatur finis ad vj/i 13s 4d Tho Coventrye.¹

¹ Charles, by the grace of God, King of England, Scotland, France and Ireland, defender of the faith etc. To all to whom these present letters shall come, greeting. Whereas our town of Liverpool in our County Palatine of Lancaster is an ancient and populous town and an ancient and the only port in our said County Palatine of Lancaster, and the Mayor, Bailiffs and Burgesses of the aforesaid town, from a time whereof the memory of man exists not to the contrary, have had, used and enjoyed divers liberties, franchises, immunities and pre-eminences, both by reason of divers Charters and Letters Patent of divers of our progenitors and ancestors, late Kings and Queens of England, heretofore made and granted to them and their predecessors by the name of the Mayor, Bailiffs and Burgesses of the town of Liverpool in the County of Lancaster, or by some other name or names, and by reason and force of divers prescriptions and customs used and

1. Written on the turned back flap.

customary in the same town ; and whereas our beloved subjects, the Mayor, Bailiffs and Burgesses of the same town have most humbly besought us that we would exhibit and extend to the same Mayor, Bailiffs and Burgesses our royal favour and munificence, and that we would deign, for the better rule, government and improvement of the same town and port, by our Letters Patent to make, erect, create and confirm the said Mayor, Bailiffs and Burgesses of the same town of Liverpool into one body corporate and politic by the name of the Mayor, Bailiffs and Burgesses of the town of Liverpool in the County of Lancaster, by whatever name or names of incorporation they have been hitherto incorporated, or whether or no they have been hitherto incorporated, as it shall seem to us most expedient. We therefore willing that from henceforth there shall be had for ever continually in the same town and port one sure and undoubted manner of and for the keeping of the peace, and the rule and government of our people there, and that the aforesaid town and port henceforth may be and remain for ever a town and port of peace and quietness to the dread and terror of all evil doers and the reward of the good : and that our peace and other matters of justice may and can be better kept therein ; and hoping, that if the said Mayor, Bailiffs and Burgesses of the aforesaid town and their successors can enjoy by our grant fuller liberties and privileges, that then they will feel themselves more especially and more strongly bound to offer and show what services they can to us, our heirs and successors : we, of our special grace and from our certain knowledge and mere motion, have willed, ordained, constituted, declared and granted, and by these presents for us, our heirs and successors, do will, ordain, constitute, declare and grant that the said town of Liverpool in the County of Lancaster hereafter may and shall be for ever a Free Borough of itself, and that the Burgesses of the same Borough and their successors hereafter may and shall be for ever, by virtue of the presents, one body corporate and politic in deed, fact and name, by the name of the Mayor, Bailiffs and Burgesses of the town of Liverpool in the County of Lancaster ; and by these presents we for us, our heirs and successors, erect, make, ordain, constitute, confirm and declare them, by the name of the Mayor, Bailiffs and Burgesses of the town of Liverpool in the County of Lancaster, one body corporate and politic in deed, fact and name, really and fully : and that by the same name they may

2 have perpetual succession; and that they, by the name of the Mayor, Bailiffs and Burgesses of the town of Liverpool in the county of Lancaster, may and shall be, at all future times, fit persons and capable in law to have, purchase, receive and possess manors, lands, tenements, liberties, privileges, jurisdictions, franchises, and hereditaments of whatever nature or species they may be, to themselves and their successors, in fee and in perpetuity, or for a term of a year or years, or otherwise in any manner ; and also goods and chattels and all other things of whatever kind, name, nature, quality or sort they may be : and also to give, grant, demise, alienate, assign and dispose of lands, tenements and hereditaments, and to do and perform by the aforesaid name all and singular other deeds and things ; and that by the same name of the Mayor, Bailiffs and Burgesses of the town of Liverpool they may and can sue and be sued, answer and be answered, defend and be defended,

in all courts, pleas and places, and before all judges and justices and other persons and officers of us and our heirs and successors, in all and singular actions, pleas, suits, plaints, causes, matters and demands, of whatever kind, name, nature, quality or sort they may be or shall be, in the same manner and form as any other our liege subjects, fit persons and capable in law of this our realm of England, or any other body corporate and politic within our realm of England, may and can have, purchase, receive, possess, enjoy, hold, give, grant, demise, alienate, assign, and dispose of, sue and be sued, answer and be answered, defend and be defended, do, permit or perform.

- 3 And that the Mayor, Bailiffs and Burgesses of the aforesaid town shall have for ever a Common Seal to be made use of for all causes and transactions of theirs and their successors, whatever is to be done¹ ; and that it may and shall be lawful for the same Mayor, Bailiffs and Burgesses and their successors at their pleasure, from time to time, to break that seal,
- 4 change or renew it, as it shall appear best to be done. And moreover we will, and by these presents for us, our heirs and successors, we grant to the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid town and their successors that henceforth for ever there may and shall be one of the Burgesses of the aforesaid town, elected in the manner mentioned below in these presents, who shall be and shall be called Mayor of the said town, and that similarly there may and shall be within the aforesaid town two of the Burgesses of the aforesaid town, elected in the manner mentioned below in these presents, who shall be and shall be called Bailiffs
- 5 of the same town. And moreover we will and by these presents for us, our heirs and successors we grant to the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid town and their successors that the Mayor, Bailiffs and Burgesses of the aforesaid town for the time being, or the greater part thereof (of whom we will that the aforesaid Mayor and one of the Bailiffs of the aforesaid town for the time being be two), on a public summons then being made to meet together for that purpose, may and shall have full power and authority, from time to time, to grant, constitute, ordain and make in writing such reasonable laws, statutes, constitutions, decrees or ordinances, as shall seem to them or to the greater part thereof (of whom we will that the Mayor and one Bailiff of the aforesaid town for the time being be two) according to their wise discretions to be good, healthy, useful, honest and necessary for the good rule and government of the aforesaid town and of all and singular the officers, ministers, artificers, inhabitants and residents within the aforesaid town and the liberties thereof, for the time being, and for showing in what way and manner the same Mayor, Bailiffs and Burgesses, and all and every the officers, ministers, burgesses, artificers, inhabitants and residents of the aforesaid town shall behave, carry and conduct themselves in their offices, functions, ministries, trades, and businesses within the aforesaid town and the liberties and precincts thereof, for the time being, for the further public welfare, common advantage and good government of the aforesaid town and the victualling thereof, and all other things and causes touching, or in any way concerning the same town, and that the same Mayor, Bailiffs and Burgesses of the aforesaid town for the time being, or the greater part thereof, (of whom we will

1. Or this bit of unsatisfactory Latin may perhaps mean *such times as it may require to be done* ; or more freely, *as occasion may serve*.

that the aforementioned Mayor and one of the Bailiffs of the aforesaid town for the time being be two) as often as they shall have made, appointed, ordained or established such laws, institutions, rights ordinances, and constitutions in the aforesaid form, can and may make, ordain, limit and provide such pains, punishments and penalties, by imprisonment or by fine, and amercements, or by any one thereof, against and upon all transgressing against such laws, rights, ordinances and constitutions, or any one or more thereof, as shall seem to the same Mayor, Bailiffs or Burgesses of the aforesaid town for the time being, or to the greater part thereof, (of whom we will that the aforementioned Mayor and one of the Bailiffs of the aforesaid town for the time being be two) necessary, opportune or requisite for the observance of the same laws, ordinances and constitutions; and to levy and have the same fines and amercements to the use of the aforementioned Mayor, Bailiffs and Burgesses and their successors, without impediment from us, our heirs or successors, or from any of the officers or ministers of us, our heirs or successors, and without making any account thereof to us, our heirs or successors. And we will that all and singular the ordinances, rights, and constitutions thus to be made as is aforesaid, shall be observed under the pains therein contained; yet with the proviso that the such ordinances, constitutions, imprisonments, fines and amercements are reasonable, and are not opposed or contrary to the laws, statutes, customs or rights of our realm of England.

- 6 And for the better execution of our will and grant in this behalf, we have assigned, nominated, created, constituted and made, and by these presents for us, our heirs and successors, we do assign, nominate, create, constitute and make our well-beloved James Stanley, Lord Strange, son and heir apparent of our well-beloved and very faithful cousin William, Earl of Derby, to be the first and modern Mayor of the aforesaid town, willing that the aforesaid James Stanley, Lord Strange, shall be and continue in the office of Mayor of the aforesaid town from the date of these presents unto the feast of St. Luke next following, and thenceforth until some other burgess of the aforesaid town shall be duly elected, preferred, appointed and sworn to that office, according to the ordinances and provisions expressed and declared below in these presents, if the same James Stanley, Lord Strange, shall so long live. Also we have assigned, nominated, created and constituted, and by these presents for us, our heirs and successors, do assign, nominate, create and constitute our beloved Richard Tarleton and James Sotherne to be the two first and modern Bailiffs of the aforesaid town, to continue in the same office unto the aforesaid feast of St. Luke next following, and thenceforth until two others of the burgesses of the aforesaid town shall be duly elected, preferred and appointed to that office, according to the ordinances and provisions expressed and declared below in these presents, if the same Richard and James Sotherne shall so long live, unless meanwhile they, or one of them, shall be removed from that office for bad government or misconduct in that behalf or for any other reasonable cause.
- 7 And moreover we will, and by these presents for us, our heirs and successors we give and grant to the aforementioned Mayor, Bailiffs and Burgesses and their successors, that the aforesaid Mayor, Bailiffs and Burgesses for the time being or the greater part thereof, from time to time, at all future times, may

- and shall have power and authority yearly and every year for ever, to elect and nominate on the feast of St. Luke, and that they can elect and nominate, one of themselves who shall be Mayor of the aforesaid town for
- 8 one whole year then next following. And that they, after they have been elected and nominated to the office of Mayor of the aforesaid town, as it is aforesaid, before they are admitted to execute that office, shall before the last Mayor their predecessor and the Bailiffs of the aforesaid town for the time being and the Burgesses of the same town or as many of them as shall then be present, take their corporal oath to execute that office justly, well and honestly in all things touching that office, and, after such oaths so taken, may and can execute the office of Mayor of the aforesaid town for one
- 9 whole year then next following. And if it shall happen that the Mayor of the aforesaid town and for the time being, die or be removed from his office within one year after he has been elected and sworn to the office of Mayor of the aforesaid town, as is aforesaid, that then and so often it may and shall be lawful for the aforementioned Bailiffs and Burgesses, or the greater part thereof for the time being, in a convenient time after the death or removal of any such Mayor, to elect and appoint another of themselves as Mayor of the aforesaid town, according to the ordinance and provision declared in these presents. And that he who is thus elected as aforesaid to the office of Mayor of the aforesaid town, shall have and exercise that office during the remainder of the same year, having first taken his corporal oath in the aforesaid form; and so as often as the case shall happen.
- 10 And moreover we will and by these presents for us, our heirs and successors, we grant that the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid town for the time being, from time to time, at all future times, may and shall have power and authority, yearly and every year for ever, to elect and nominate on the aforesaid feast of St. Luke and that they can elect and nominate two of themselves who shall be Bailiffs of the aforesaid town for
- 11 one whole year then next following. And that they, after they have been elected and nominated to the office of Bailiffs of the aforesaid town, as it is aforesaid, before they are admitted to execute that office, shall, before the Mayor and the last Bailiff of the aforesaid town for the time being, and the Burgesses of the aforesaid town, or as many of them as shall then be present, take their corporal oath to execute that office justly, well and faithfully in all things touching that office, and after such oaths so taken, may and can execute the office of Bailiffs of the aforesaid town for one whole year then next following, unless meanwhile they or one of them shall be removed for misbehaviour, or any other reasonable cause, by the Mayor and Burgesses of the aforesaid town, or the greater part of
- 12 them. And if it shall happen that the Bailiffs of the aforesaid town or one of them, for the time being, die or be removed from office within one year after they have, or he has, been elected and sworn to the office of Bailiff of the aforesaid town, as is aforesaid, that then and so often it may and shall be lawful for the aforementioned Mayor and Burgesses of the aforesaid town for the time being, or the greater part of them, to elect and appoint another, or two others of themselves, as Bailiff or Bailiffs of the aforesaid town, according to the ordinance and provision declared above in these presents,

- and that he or they shall have and exercise that office during the remainder of the same year, having first taken his or their corporal oath in the aforesaid form : and so as often as the case shall happen. And moreover we will,
- 13 and by these presents for us, our heirs and successors, we grant to the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid town and their successors, that the Mayor, Bailiffs and Burgesses of the aforesaid town for the time being, and the clerk assigned to take recognizances of debts according to the form of the Statute Merchant and the Statute of Acton Burnel, to be appointed in the manner and form expressed or mentioned below in these presents, may have for ever full power and authority of taking and receiving any recognizances and executions thereupon made according to the form of the Statute Merchant and the Statute of Acton Burnel lately published, and also of doing and executing all other things which belong, or can or ought to belong, by virtue of the same Statutes or one of them, to any Mayor and to any Clerk appointed in any city, borough or incorporated town within this our realm of England for the recognizances of debts
- 14 according to the form of the aforesaid Statutes or one of them. And that the same Mayor, Bailiffs and Burgesses and Clerk for the time being may and shall have, and by virtue of these presents shall make, assume and apply one seal of two pieces, of which the one part shall be the greater part and the other part shall be the lesser part, to seal the aforesaid recognizances to be hereafter recognized before them, according to the form of the aforesaid Statute Merchant and the aforesaid Statute of Acton Burnel ; and this seal shall be, and shall be approved of henceforward for ever as the seal of us, our heirs and successors for taking and sealing the aforesaid recognizances within the aforesaid town ; and the greater part of this seal shall always remain in the custody of the Mayor of the same town for the time being, and the other part of the same seal shall be and remain for ever in the hand of the Clerk deputed and appointed for the time being to write and enrol the aforesaid recognizances, according to the meaning of these our Letters
- 15 Patent. And for the better execution of our will in this behalf, we will and by these presents for us, our heirs and successors, we grant to the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid town and their successors and we ordain that Robert Dobson, gentleman, Common Clerk of the aforesaid town, may and shall be the Clerk of us, our heirs and successors to receive, write and enrol recognizances of debts within the aforesaid town according to the form of the aforesaid Statutes or one of them, and to keep and preserve the enrolments, memoranda and records thereof, and to keep the smaller piece of the seal, and to do and execute all other things which belong to be done and executed to any clerk appointed for recognizances of debts according to the form of the aforesaid Statutes or one of them. And by these presents we for us, our heirs and successors, make, ordain and constitute the said Robert Dobson, Clerk of us, our heirs and successors, to receive, write and enrol the recognizances of debts within the aforesaid town according to the form of the aforesaid Statutes or one of them, and to keep the smaller piece of the aforesaid seal, and moreover to do and execute all other things which belong to be done and executed to any clerk appointed for recognizances of debts according to the form of the aforesaid Statutes or one of them.

- 16 Moreover we will and grant to the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid town and their successors, and by these presents for us, our heirs and successors we ordain that the Common Clerk of the same town for the time being may and shall be at all future times the Clerk of us, our heirs and successors, to receive, write and enrol recognizances of debts according to the form of the aforesaid Statutes, and either of them, and to keep the enrolments, memoranda and records thereof, and to keep the smaller piece of the aforesaid seal, and moreover to do and execute all other things which belong to be done or executed to any Clerk appointed for recognizances of debts according to the form of the aforesaid Statutes, and either of them. And by these presents for us, our heirs and successors, we make, ordain and constitute the Common Clerk of the aforesaid town for the time being for us, our heirs and successors, the Clerk of us, our heirs and successors to receive, write and enrol recognizances of debts within the aforesaid town according to the form of the aforesaid Statutes, and either of them, and to keep the smaller piece of the aforesaid seal, and moreover to do and execute all other things which belong to be done and executed to any Clerk appointed for recognizances of debts according to the form of the
- 17 aforesaid Statutes, and either of them. Moreover we will and by these presents for us, our heirs and successors we grant to the aforesaid Mayor, Bailiffs and Burgesses and their successors, that the Mayor of the aforesaid town for the time being and the Senior Alderman of the same town for the time being, or one of them, may and shall be henceforth for ever the Justice of us, our heirs and successors, to keep the peace in the same town and the liberties and precincts thereof, and also to keep, amend, or cause to be amended, within the aforesaid town and the liberties and precincts thereof, the Statutes concerning artificers and labourers, weights and measures. And that the said Mayor for the time being and the Senior Alderman of the same town, may and shall have full power and authority to inquire concerning all manner of transgressions, misprisions and other inferior crimes, defaults and articles, done, moved or perpetrated within the aforesaid town and the liberties or precincts thereof, which ought to or could be inquired into before the guardians of the peace and Justices in any County of our realm of England, by the laws and statutes of this realm, as Justices of the Peace, yet in such a way that they do not in any way proceed to the determination of any treason, murder or felony, or any other matter touching loss of life or limb, within the aforesaid town and the liberties and precincts thereof,
- 18 without special mandate from us, our heirs and successors. And moreover of our more ample special grace, and from our certain knowledge and mere motion, we grant and confirm for us, our heirs and successors, to the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid town and their successors all and all manner of lawful liberties, privileges, franchises, immunities, executions, customs, quittances and jurisdictions, and also all and every the same and such lands, tenements and hereditaments which the Mayor, Bailiffs and Burgesses of the aforesaid town, or one or more of them, by any names or name, or by force of any incorporation, have previously had, used or enjoyed, or ought to have, hold, use or enjoy, to them and their successors for ever, from the statute of inheritances, by reason or force of

any Charters or Letters Patent heretofore made, confirmed or granted by any of our progenitors or predecessors, Kings and Queens of England, or by any other legal means, right or title, custom, use or prescription heretofore lawfully used, had or accustomed, to be held from us, our heirs and successors by such the same like and similar rents and services, by which the same were before held from us or our predecessors, and not by others. Wherefore we will and firmly enjoining we command for us, our heirs and successors that the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid town and their successors, may have, hold, use and enjoy, and can and may have, hold, use and enjoy for ever all the aforesaid liberties, authorities, jurisdictions franchises and quittances, according to the tenor and effect of these our Letters Patent, without hindrance or impediment from us, our heirs or successors, or from the Justices, Sheriffs or other Bailiffs of us, our heirs or successors: not willing that the same Mayor, Bailiffs and Burgesses of the aforesaid town or one or more of them, be hindered, molested, vexed or aggrieved, or in any way disturbed, by us or our heirs, or by the Justices Sheriffs, Escheators, or other Bailiffs or ministers of us, our heirs or successors: Willing and by these presents commanding and enjoining the Treasurer, Chancellor and Barons of our Exchequer at Westminster, and the other Justices of us and of our heirs and successors, and also our Attorney and Solicitor General for the time being, and each of them, and all other officers and ministers, that neither they, nor one or more of them, prosecute or continue, or make or cause to be prosecuted or continued any writ or information of Quo Warranto or any other writ, writs or processes of ours, against the Mayor, Bailiffs and Burgesses of the aforesaid town, or one or more of them, for any causes, things, matters, offences, claim or usurpation or any thereof, by them or any of them due, claimed, attempted, used, had or usurped before the day of the making of these presents: Willing also that the same Mayor, Bailiffs and Burgesses of the aforesaid town or one of them, be not molested or impeded by any Justice, officer or minister aforesaid, in or for the aforesaid due use, claim or abuse of any other liberties, franchises or jurisdictions within the aforesaid town or the liberties thereof before the day of the making of these our Letters Patent, or be compelled to answer for them or any of them. And moreover of our more abundant special grace, and from our certain knowledge and mere motion, we will and by these presents for us, our heirs and successors we grant to the aforesaid Mayor, Bailiffs and Burgesses and their successors, that these our Letters Patent, or the enrolment thereof, shall be in and for all things firm, valid, good and sufficient and effectual in law towards and against us, our heirs and successors, in all our courts and elsewhere within our realm of England, without any other confirmations, licenses or tolerations to be procured or obtained hereafter from us, our heirs or successors, by the aforesaid Mayor, Bailiffs and Burgesses or their successors. Notwithstanding the ill reciting or the ill naming, or the not reciting or not naming the aforesaid town and the rest of the premises or any part thereof; and notwithstanding the not finding the office or inquisition of the premises or of any part thereof, by which our title ought to be found, before the making of these our Letters Patent. And notwithstanding the ill reciting, ill naming, or not reciting or not

naming any demise or grant made of the premises or of any part thereof, being on record or not on record. And notwithstanding the ill naming or not naming any town, hamlet, parish, place or county, in which the premises are, or any part thereof. And notwithstanding that a full, true and certain mention of the names of the tenants, farmers or occupiers of the premises or of any part thereof, is not made. And notwithstanding any mistakes concerning the certainty or reckoning or declaration of the true annual value of the premises or any part thereof, or of the annual rent reserved from and upon the premises or from and upon any part thereof, expressed and contained in these our Letters Patent. And notwithstanding any mistakes in not naming or in ill naming any tenant, farmer or occupier of the premises or any part thereof. And notwithstanding the Statute made and published in the Parliament of the late lord, Henry VI, King of England, our predecessor, in the eighteenth year of his reign. And notwithstanding any other mistakes in not rightly naming the nature, kind, sort, quantity and quality of the premises, or of any part thereof. Also we will and by these presents for us, our heirs and successors, we grant to the aforementioned Mayor, Bailiffs and Burgesses of the aforesaid town and their successors, that they may and shall have these our Letters Patent duly made and sealed under our Great Seal of England and also under the Seal of our Duchy of Lancaster without in any way rendering, paying or making to us fine or fee, great or small, in our hanaper or elsewhere to our use. Because express mention of the true annual value, or of the certainty of the premises or of any thereof, or of any other gifts or grants previously made by us, or by any of our progenitors or predecessors, to the aforementioned Mayor, Bailiffs and Burgesses, is not made in these presents; or any statute, act, ordinance, provision, proclamation or restriction before had, made, published, ordained or provided, or any other thing, 20 cause or matter to the contrary hereof, in any wise notwithstanding. In witness whereof we have caused these our Letters to be made Patent, and we have caused to be affixed to them our Great Seal of England and also the Seal of our Duchy of Lancaster. Witness myself at Westminster the fourth day of July in the second year of our reign.

By writ of Privy Seal. Wolseley.

Fine taxed at £6-13-4.
Tho. Coventrye.

IX. CHARTER OF CHARLES II

18 July, 1677

Documents relating to attempts to secure a New Charter. Almost immediately after Charles II's Restoration, the Corporation began to agitate for the confirmation of the Charter of Charles I, or rather for the grant of a new and more definite charter; three different attempts seem to have been made (1664, 1667, 1676). The new charter was obtained by one party, almost certainly the Tory party, and they are in William III's Charter of 1695 referred to as 'a few of the burgesses.'

[*At an Assembly, July 13, 1663*]. Vpon reading a letter from M^r John Case certifying that Writts of Quo Warr^{ts} are to be issued forth to all Corporacon^s It is ordered that a letter be forthwth sent to y^e sd M^r Case for his further advise and touching the renewing of the Townes Charter.¹

Xth May, 1664. It is ordered and thought fitt that our Charter be renewed wth what possible speed may bee, And likewise that all Endeauor shall bee made that may bee, to make this an absolute free Port And to that End (And likewise towards satisfyeing what hath bin Expended, in opposicon of the Cutting Bill) Itt is also Ordered that a leye of ffoure score pounds shall be forthwth Taxed and assessed wth in this Burrough towards the defraying of the Charge of the prosecuting thereof, And that the Merchant prazers, for the tyme being Being the assessors of this Burrough shall take to their assistance two or more of the ablest & most sufficient p^rsons Inhabitants & freemen of this Burrough, such as M^r Maio^r shall thinck meet and approve of, And shall forthwth Taxe and asseste the sd sume of ffoure score pounds And that Samuell ffazakerley the Town Clerke shall vpon thursday next sett on his Journey towards London to prosecute and sollicite both the renewinge of our said Charter, & making this a free Port if it may be obteyned The same Towne Clerke to haue deliue^d to him such Charters & pap^s belonging to this Burrough as by M^r Maio^r & the Aldermen shall be thought fitt.

Att a meeting on the vjth of octob^r 1664 the Execucon of the ord^r above written is suspended til further ord^r.²

[*At an Assembly, June 20, 1667*]. Itt is thought fitt and ordered That if it please god to grant to vs peace and settlement in this kingdome that in Returne of the right hono^{ble} the Earle of Darbie his gracious offers of fauo^r to this Towne Applicacon shall be made to his Lo^{pp} by the Aldermen of this towne, To acquaint his hono^r of the freedome of this assembly to haue their Charter renewed in his Lo^{pp}s Maiority if it please god wee shall haue peace in this kingdome And such of this Burrough as his Lo^{pp} shall direct may make applicacon to Counsell in ord^r thereunto, if it to his lo^{pp} may seeme meet.³ The resolution is repeated on 10 Oct. of the same year.

[*At an Assembly, Nov. 6, 1667*]. Itt is ordered that S^r Gilbert Ireland one of the Burgesses in Pliam^t for this Towne and John Entwisle Esq^r Recorder of the same, Be wth as much speed as may be Consulted wth in ord^r to renewinge of our Charter, & aduising vs in the method & preparacon thereunto.⁴

[*At a Common Council, Nov. 1, 1676*]. Ordered that it be referred to Mr Maio^r to take care about renewinge of our Charter, taking to his assistance such as he shall thinck meet at the charge of this Corporacon.

Description. The original Charter is lost, and has been lost for a long time, for under the date Feb. 10, 1693, in the *Municipal Records*, there is a note in reference to to this Charter, 'Wee have only y^e Exemplificacon.'⁵

It is from this Exemplification or Confirmation, granted by William and Mary 9 March, 1691 that the copy here printed is taken. There is another copy of the original charter in the Record Office (Duchy of Lancaster, Privy Seals and Warrants, Bundle 40, No. 123), which, except for slight variations in spelling, is the same as the copy here given, with the one alteration that at the end of the Charter after the words 'respondere compellantur' the Record Office copy proceeds 'eo quod expressa mencio, etc. In cuius rei, etc. Dat, etc.' To this copy of the Charter is appended the following memorandum :—

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| 1. <i>Mun. Rec.</i> , III, 747. | 2. <i>Mun. Rec.</i> , III, 779. | 3. <i>Mun. Rec.</i> , III, 837. |
| 4. <i>Mun. Rec.</i> , III, 847. | 5. <i>Mun. Rec.</i> , IV, 137. | 6. <i>Mun. Rec.</i> , IV, 634. |

' May it please yo^r most excellent Ma^{tie}——

This Bill contains a Grant and Confirmacon vnto the Major Bayliffes and Burgesses of the Towne of Liverpoole in the County Palatyne of Lancaster And their Successors of their former Charters Priviledges and Lib'tyes with these Addicons following viz^t That the Maior for the tyme being shall bee a Justice of the peace for the County and a Justice of the peace for the Corporacon the yeare following. The Major Towne Bayliffe & every Comon Counsellman and ffreeman to bee chosen by the Major Bayliffes & sworne Counsell of the Corporacon not under Thirty in number whereof the Maior to have the casting vote if p'tyes equall. That the Comon Counsell consist of sixty in number. The present Counsell being above p'ticularly menconed & as any of them dye the number to be made upp the next Counsell day. That a fourth part of the said sixty bee of the Out Burgesses and as any of them dye others to be chosen in their Roomes of the said Out Burgesses.

And is prepared for yo^r Royall Signature by warr^t from the Right Hono^{ble} Sir Robert Carr Kn^t and barr^t Chancellor of yo^r Ma^{ties} Dutchy and County Palatyne of Lancaster and one of yo^r Ma^{ties} most hono^{ble} Privy Counsell according to yo^r Ma^{ties} warr^t of the 9th of this instant July

(signed) Jo. Heath

Ex^d p Gill Gerard

Dat sub sigillo com' pal' Lanc decimo octavo die julii anno R. R. Carol Sedi Vicesimo nono 1677.

Copies and Translations.—A copy, and translation in full, are given in the *Trans. Hist. Soc. Lanc. and Ches.*, vol. 36 (1884), pp. 87-99. Another copy is to be found in the *App. Mun. Com. Inq. Rep.* (1833).

Docquet.—I cannot find a note of this Charter in the Docquet Book.

ABSTRACT

1. Reasons for the Charter.
2. Confirmation of the incorporation and liberties of Liverpool.
3. Appointment of the Mayor and of the ex-Mayor as J.P.'s for Liverpool.
4. Oath of the Mayor as J.P. for Liverpool.
5. Appointment of the Mayor as J.P. for the County of Lancaster.
6. Oath of the Mayor as J.P. for the County.
7. Nomination of a Common Council of sixty persons for life.
8. Election of the Mayor, Bailiffs and Common Council by the Common Council, or the majority thereof.
9. Fifteen members of the Common Council to be non-resident Burgesses.
10. Confirmation of all rights and privileges enjoyed under this and former Charters.
11. Witness and date.

I CAROLVS secundus Dei gratia Anglie Scocie Francie et Hibernie Rex, fidei Defensor, etc. OMNIBVS ad quos presentes Litere nostre peruenerint, Salutem. CVM Villa nostra de Leuerpoole

in Comitatu Palatino nostro Lancastrie sit Villa antiqui¹ [antiqua] et populosa et antiquus et solus Portus in dicto Comitatu Palatino nostro Lancastrie, ac Maior Balliui et Burgenses uille predictae, a tempore cuius contraria memoria hominum non existit, diversas libertates Francherias immunitates et preheminentes habuerint, usi et gauisi fuerint, tam ratione diuersarum Cartarum et Literarum Patentium diuersorum Progenitorum et Ancestorum nostrorum, nuper Regum et Reginarum Anglie eis et Predecessoribus suis per nomen Maioris Balliuorum et Burgensium Ville de Leuerpoole in Comitatu Lancastrie seu per aliquod aliud nomen siue alique alia nomina preantea factarum et concessarum, quam ratione uel pretextu diuersarum Prescripcionum ac consuetudinum in eadem Villa usitatarum et consuetarum; CVMQUE Dilecti Subditi nostri modo Maior Balliui et Burgenses Ville predictae nobis humillime supplicauerint quatenus nos eisdem Maiori Balliuis [Balliui]¹ et Burgensibus Ville predictae gratiam et munificentiam nostram regiam, tam in ratificatione et confirmatione corporis corporati predicti et antiquorum libertatum et Priuilegiorum suorum, quam in concessione talium aliorum libertatum et Priuilegiorum quales pro bono publico et meliori regimine Ville illius nobis melius uidebitur expediri, gratiose exhibere et extendere uolumus; SCIATIS igitur quod nos melioracionem Ville predictae et prosperam condicionem populi nostri² ibidem gratiose affectantes de gratia nostra speciali ac ex certa scientia et mero motu nostris uoluimus, ordinauimus concessimus et confirmauimus ac per presentes pro nobis Heredibus et Successoribus nostris uolumus ordinamus concedimus et confirmamus prefatis Maiori Balliuis et Burgensibus Ville predictae et Successoribus suis corpus corporatum predictum ac omnes et omnimodas libertates liberas consuetudines franchises immunitates exempciones quietancias iurisdicciones et hereditamenta quecunque, que

1. Sic also in the Record Office Copy.

2. *Populi nostri* is inserted above the line.

Burgenses Ville de Leuerpoole predicte aut que Maior Balliui et Burgenses Ville de Leuerpoole predicte et Predecessores sui, quibuscunque nominibus censebantur seu uocabantur uel per quodcunque nomen uel quamcunque incorporacionem uel pretextu cuiuscunque Incorporacionis antehac incorporati fuerunt, legitime habuerunt tenuerunt usi uel gauisi fuerunt, aut habere tenere uti uel gaudere debuerunt, habuit tenuit usus uel gauisus fuit, aut habere tenere uti uel gaudere debuit aut debuerunt, racione seu pretextu aliquarum Chartarum aut Literarum Patencium per nos aut per aliquem Progenitorum nostrorum uel alicuius alterius persone siue aliquarum aliarum personarum quarumcunque quoquomodo antehac factarum confirmatarum uel concessarum, seu quocunque alio legali modo iure consuetudine usu prescripcione siue titulo antehac legitime usitato habito gauiso aut consueto, per Presentes minime annihilata mutata siue diminuta : et quod licitum sit et erit prefatis Maiori Balliuis et Burgensibus Ville de Liuerpoole predicte et Successoribus suis habere tenere exercere uti et gaudere omnibus et omnimodis huiusmodi libertatibus liberis consuetudinibus franchisesijs Immunitatibus Exempcionibus Jurisdiccionibus ceteris premissis¹ predictis superius per Presentes in forma predicta confirmatis, in tam amplis modo et forma ad omnia intenciones et preposita qualia temporibus retroactis habuerunt tenuerunt usi uel gauisi fuerunt, seu

3 habere tenere uti uel gaudere debuerunt. Concessimus insuper pro nobis Heredibus et Successoribus nostris per Presentes prefatis Maiori Balliuis et Burgensibus Ville nostre de Leuerpoole predicte et Successoribus suis quod modernus Maior Ville illius durante tempore continuacionis sue in Officio Maioris Ville illius, et quilibet alius Maior Ville illius pro tempore existente pro et durante tempore continuacionis sue in Officio illo respectiue, et quilibet ultimus Predecessor cuiuslibet huius-

1. The 'p' in *premissis* is wanting, as there is a small hole in the document.

modi Maioris per spatium unius Anni ab et post exitum et decesum suum ab Officio Maioris eiusdem Ville respectiue sint et erunt et quilibet eorum sit et erit Justiciarij nostri Heredum et Successorum nostrorum ad pacem nostram Heredum et Successorum nostrorum infra Villam predictam libertates et Precincta eiusdem custodiendam et conseruandam et custodiri et conseruari faciendam; Et ad omnia Statuta et Ordinationes pro bono pacis nostre Heredum et Successorum nostrorum ac pro preseruacione eiusdem et pro quieto regimine et gubernacione populi nostri Heredum et Successorum nostrorum edita et edenda in omnibus suis Articulis infra Villam predictam libertates et precincta eiusdem iuxta uim formam et effectum eorundem custodienda et custodiri facienda et ad omnes illos quos contra formam et effectum Ordinationum et Statutorum predictorum aut eorum alicuius in Villa predicta et Precinctis eiusdem delinquentes inuenerint castigandos et puniendos, prout secundum formam Ordinationum et Statutorum illorum fuerit faciendum. Necnon ad omnia alia secundum Leges et Statuti (*sic*) huius Regni nostri Anglie infra Villam predictam limites et precincta ejusdem facienda et inquirenda, que coram aliquibus Justiciarijs siue custodibus pacis nostre Heredum uel Successorum nostrorum in aliquo Comitatu Regni nostri Anglie ut Justiciarij pacis fieri aut inquireri poterint aut debent. Ita tamen quod ad determinacionem alicuius prodicionis misprisionis Prodicionis infra Villam predictam limites et Precincta eiusdem absque speciali Mandato nostro Heredum uel Successorum nostrorum quoquomodo non procedunt. Et ulterius

4 uolumus et per Presentes Ordinamus et Constituimus quod modernus Maior Ville de Leuerpoole predicte ac quilibet Alius Maior Ville illius et ultimus Predecessor cuiuslibet huiusmodi MAIORIS¹ in eodem Officio respectiue pro tempore existente antiquam² (*sic*) ipsi ad execucionem Officij Justiciarij pacis

1. With this word the second sheet begins.

2. *Sic* also in the Record Office Copy.

infra Villam illam admittantur seu eorum aliquis admittatur, sacramentum suum corporale super Sacrosanctum Dei Euangelium ad Officium Justiciarij pacis infra eandem Villam limites et precincta eiusdem in omnibus et per omnia Officium illud tangencia bene et fideliter exequendum, Necnon Juramenta in ea parte per Leges et Statuta huiusmodi Regni nostri Anglie prouisa pro Justiciario pacis prestari requisita coram Balliuis et Burgensibus Ville predicte pro tempore existente seu aliquibus tribus eorum prestabunt et eorum quilibet prestabit. Quibus quidem Balliuis et Burgensibus Ville predicte pro tempore existente et aliquibus tribus eorum ad sacramenta et juramenta predicta in forma predicta de tempore in tempus danda et administranda plenam potestatem et authoritatem Damas
5 et Concedimus per presentes. Et ulterius uolumus ac per presentes pro nobis Heredibus et Successoribus nostris Damas et Concedimus prefatis Maiori Balliuis et Burgensibus Ville de Leuerpoole predicte et Successoribus suis, quod modernus Maior Ville illius et quilibet alius Maior eiusdem Ville pro tempore existente imposterum nominandus et eligendus respectiue sit et erit, sint et erint, Justiciarij nostri Heredum et Successorum nostrorum in Comitatu nostro Palatino Lancastrie custodiende et conseruande¹ Et ad omnia alia facienda exequenda et performanda, que per Justiciarios Pacis nostre Heredum uel Successorum nostrorum infra eundem Comitatum Palatinum per Leges et Statuta huius Regni nostri Anglie modo edita uel imposterum edenda fieri exequi aut performari possint uel debent. Ac modernum Maiorem Ville predicte ac omnes et quemlibet Maiorem et Maiores Ville illius pro tempore existente imposterum nominandos et eligendos Justiciarium et Justiciarios nostros Heredum et Successorum nostrorum ad pacem nostram Heredum et Successorum nostrorum infra Comitatum nostrum Palatinum Lancastrie pre-

1. Sic in original : *pacis nostre* probably omitted.

- dicte custodiendam et conseruandam et ad omnia alia predicta que per Justiciarios Pacis infra Comitatum illum ut profertur fieri et exequi possint et debent facienda et exequenda facimus
- 6 Ordinamus et Constituimus per presentes. Et ulterius uolumus quod quilibet huiusmodi Maior Ville predictae pro tempore existente, antequam ipse ad executionem Officij Justiciarij pacis infra Comitatum nostrum Lancastrie admittatur, sacramentum suum corporale super Sacrosanctum Dei Euangelium ad Officium illud bene et fideliter exequendum in ea parte per Leges et Statuta huius Regni nostri Anglie prouisum pro Justiciarijs Pacis prestandum prestabit coram Justiciarijs Comitatus illius pro tempore existente seu aliquibus tribus eorum prestabunt et eorum quilibet prestabit. Quibus quidem justiciarijs uel aliquibus tribus eorum pro tempore existente ad sacramenta et iuramenta predicta in forma predicta de tempore in tempus danda et administranda plenam potestatem et auctoritatem
- 7 Damus et Concedimus per presentes. Et ulterius uolumus ac per presentes Concedimus et Declaramus quod sint et erint sexaginta persone pro tempore existente eligendi, prout inferius mencionatum, qui erunt et uocabuntur Commune Consilium Ville predictae. Ac ulterius Nominauimus et Constituimus Robertum Williamson modernum Maiorem, Thomam Andoe, Henricum Corless, Johannem Chandler, Petrum Lurting, Thomam Bickesteth, Thomam Johnson, Siluestrem Richmond, Jacobum Jerome, Thomam Chapman, Willielmum Trauiss, Jacobum Prescott, Robertum Fleetwood, Thomam Preeson, Ricardum Windle, Willielmum Fleetwood, Henricum Higginson, Willielmum Williamson, Petrum Atherton, Robertum Seacombe, Ricardum Bushell, Thomam Shaw, Thomam Galloway, Thomam Brookebanke, Ricardum Williamson, Johannem Lurting, Thomam Sandford, Samuelem Fazackerley, Johannem Mollineux, Willielmum Ackers, Anthonium Wood, Willielmum Crompton, Johannem Williamson, Willielmum Bayley, Thomam Bridg, Edwardum Tarleton seniore, Ricardum Tarleton, Johan-

nem Barber, Jacobum Traviss, Joshuam Williamson, Edwardum Greene, Radulfum Williamson, Robertum Carter, Jacobum Vernon, Oliuerum Lime, Predilectum et perquam fidelem Consanguineum nostrum Willielmum Comitem Derby, Thomam Dominum Colchestrie, Radulfum Ashton de Middleton Baronet, Ricardum Atherton Armigerum, Petrum Brooke militem, Thomam Legh Armigerum, Johannem Entwizle Armigerum, Nicholum Fazackerley, Robertum Roper, Arthurum Burren, Willielmum Blundell, Robertum Seacombe, Thomam Cooke, Thomam Wright et Thomam Marsden generosos fore et esse primos et modernos Communos Consiliarios Ville predicte ad continuandum durantibus uitis suis naturalibus, nisi aliquis siue aliqui eorum rationabili de causa amoveri per Maiorem Balliuos et Commune Consilium Ville predicte uel maiorem partem eorumdem pro tempore existente acciderit siue acciderint. Et ulterius uolumus ac per presentes Declaramus quod Maior Balliui Commune Consilium et liberi homines Ville predicte respectiue de cetero eligendi electi et nominati erunt ad seperabilia Officia et Libertates predictas per Maiorem Balliuos et Commune Consilium Ville predicte pro tempore existente uel triginta eorum, et si acciderit quod ad huiusmodi Eleccionem siue Elecciones uota predictorum Maioris Balliuorum et Communis Consilij fore equalia, Tunc uolumus ac presentes¹ (*sic*) concedimus quod Maior eiusdem Ville pro tempore existente de tempore in tempus His Eleccionibus habebit determinacionem eiusdem Eleccionis. Et ulterius uolumus ac per Presentes Declaramus quod quindecim persone de numero sexaginta predictorum Communium Consiliariorum pro tempore existente sint et erint Burgenses Ville predicte extra Villam illam Inhabitantes. Et insuper uolumus ac per presentes firmiter injungendo precipimus pro nobis Heredibus et Successoribus nostris quod predicti Maior Balliui et Bur-

1. *Per presentes* in the Record Office Copy.

genses Ville predicte et Successores sui teneant utantur et gaudeant, ac habere tenere uti et gaudere ualeant et possint imperpetuum omnibus Libertatibus Authoritatibus Jurisdictionibus Consuetudinibus Concessionibus Franchesijs Quietancijs suis predictis secundum tenorem formam et effectum harum Litterarum nostrarum Patentium siue' [sic] occasione molestacione uel impedimento nostro Heredum uel Successorum nostrorum Justiciariorum Vicecomitum Escheatorum Balliuorum aut aliorum Ministrorum nostrorum Heredum aut Successorum nostrorum quorumcunque. Nolentes quod ijdem Maior Balliui et Burgenses aut Successores sui uel eorum aliquis uel aliqui ratione premissorum siue eorum alicuius per nos Heredes uel Successores nostros Justiciarios Vicecomites, ESCAETORES¹ Balliuos siue alios Ministros nostros Heredum uel Successorum nostrorum occasionentur molestentur uexentur seu grauentur uel in aliquo perturbentur. Volentes etiam ac per presentes pro nobis Heredibus et Successoribus nostris Mandantes et Precipientes tam Thesaurario, Cancellario,² Baronibus Scaccarij nostri Westmonasterij ac alijs Justiciarijs nostris et Heredum et Successorum nostrorum,³ quam Attornato nostro³ Generali pro tempore existente et eorum cuilibet et omnibus alijs ministris et Officiarijs nostris Heredum et Successorum nostrorum quibuscunque pro tempore existente, quod nec ipsi nec eorum aliqui uel aliquis aliquod breue siue Summonicionem de quo Warranto siue aliquod breue breuia uel processam nostram quemcunque uersus prefatos Maiorem Balliuos et Burgenses Ville predicte aut eorum aliquem uel aliquos pro aliquibus causis rebus materijs offensis clameis et usurpacionibus aut eorum aliquo per ipsos aut eorum aliquos attemptatis clamatis usitatis habitis factis siue usurpatis ante confeccionem harum litterarum nostrarum Patentium

1. *Sine* in the Record Office Copy, but the letter *n* has evidently been substituted for another.

2. With this word the third sheet begins.

3. These words are inserted.

impetrantur aut prosequuntur, aut impetrari aut prosequi faciant aut causent, seu eorum aliquis faciat aut causet. Volentes etiam quod ijdem Maior Balliui et Burgenses Ville predicte uel eorum aliqui per aliquem uel aliquos Justiciarios Vicecomites Officiarios uel Ministros predictos in aut pro debitis usu clameo uel abusu aliquorum aliorum Libertatum Priuelegiorum Franchiesiarum aut Jurisdictionum infra Villam predictam Libertates Limites et Precincta eiusdem ante diem confeccionis harum Litterarum Patencium minime molestentur aut impedianur, aut ad ea seu eorum aliquod uel aliqua respondere compellantur. Eo quod expressa mencio de uero ualore annuo aut de certitudine premissorum uel eorum aliquius aut de alijs Donis siue Concessionibus per nos seu per aliquem Progenitorum siue Predecessorum nostrorum prefatis Maiori Balliuis et Burgensibus ante hec tempora factis in Presentibus minime facta existit,¹ aut aliquo statuto Actu Ordinatione Prouisione Proclamatione siue Restrictione antehac habitis factis editis ordinatis seu prouisis aut aliqua alia re causa uel materia quacunque in contrarium inde aliquo non obstante. IN CVIVS rei testimonium has Litteras nostras fieri fecimus Patentes. DATVM apud Palatium nostrum Westmonasterij sub Sigillo Comitatus Palatini nostri Lancastrie, Decimo octauo die Julij Anno Regni nostri uicesimo nono. . . . GERARD.

¹ Charles the Second, by the grace of God, King of England, Scotland, France and Ireland, defender of the faith etc. To all to whom our present letters shall come, greeting. Whereas our town of Liverpool in our County Palatine of Lancaster is an ancient and populous town and an ancient and the only port in our said County Palatine of Lancaster, and the Mayor, Bailiffs and Burgesses of the aforesaid town, from a time whereof the memory of man exists not to the contrary, have had, used and enjoyed divers liberties, franchises, immunities and pre-eminences, both by reason of divers Charters and Letters Patent of divers of our progenitors and ancestors, late Kings and Queens of England, heretofore made and granted

1. This word is inserted.

to them and their predecessors by the name of the Mayor, Bailiffs and Burgesses of the town of Liverpool in the County of Lancaster, or by some other name or names, and by reason or force of divers prescriptions and customs used and customary in the same town ; and whereas our beloved subjects, the present Mayor, Bailiffs and Burgesses of the aforesaid town have most humbly besought us that we would graciously exhibit and extend to the same Mayor, Bailiffs and Burgesses of the aforesaid town our royal favour and munificence, both in the ratification and confirmation of the aforesaid body corporate and of their ancient liberties and privileges, and in the grant of such other liberties and privileges as it shall seem to us most expedient for the public good and for the better government of that town :

- 2 Know ye therefore that we graciously desiring the improvement of the aforesaid town and the prosperous condition of our people there have of our special grace and from our certain knowledge and mere motion willed, ordained, granted and confirmed, and do by these presents for us, our heirs and successors, will, ordain, grant and confirm to the aforementioned Mayor, Bailiffs and Burgesses of the aforesaid town and their successors the aforesaid body corporate, and all and all manner of liberties, free customs, franchises, immunities, exemptions, quittances, jurisdictions and hereditaments whatsoever, which the Burgesses of the town of Liverpool aforesaid, or which the Mayor, Bailiffs and Burgesses of the town of Liverpool aforesaid and their predecessors, by whatever names they were known or called, or by whatever name or incorporation or by whatever force of incorporation they have heretofore been incorporated, have or either of them has lawfully had, held, used or enjoyed, or ought to have, hold, use or enjoy, by reason or force of any Charters or Letters Patent in any wise heretofore made, confirmed or granted by us or by any of our progenitors or any other person or persons whatever, or which they have by any other lawful means, right, custom, use, prescription or title heretofore lawfully used, had, enjoyed or accustomed, in no way annulled, changed, or lessened by these presents ; and that it may and shall be lawful for the aforementioned Mayor, Bailiffs and Burgesses of the town of Liverpool aforesaid and their successors, to have, hold, exercise, use and enjoy all and every such liberties, free customs, franchises, immunities, exemptions, jurisdictions, and the other premises aforesaid, confirmed above by the presents in the aforesaid form, in as full manner and form, to all intents and purposes, as in times past they have or ought to have had, held, used or enjoyed them.
- 3 We have granted moreover for us, our heirs and successors to the aforementioned Mayor, Bailiffs and Burgesses of our town of Liverpool aforesaid and their successors by these presents, that the modern Mayor of that town during the time of his continuance in the office of Mayor of that town, and every other Mayor of that town for the time being, for and during the time of his continuance in that office, respectively, and every last predecessor of every such Mayor, for the space of one year from and after his egress and departure from the office of Mayor of the same town, respectively may and shall be and each of them may and shall be Justices of us, our heirs and successors, to keep and preserve and cause to be kept and preserved the peace of us, our heirs and successors, within the aforesaid town and the

liberties and precincts thereof, and to keep and cause to be kept all statutes and ordinances for the good of the peace of us, our heirs and successors and for the preservation thereof, and for the quiet rule and government of the people of us, our heirs and successors, published and to be published in all their articles within the aforesaid town and the liberties and precincts thereof, according to the force, form and effect thereof, and to chastise and punish all those whom they may find transgressing against the form and effect of the aforesaid ordinances and statutes or any of them in the aforesaid town and the precincts thereof, as it ought to be done according to the form of those ordinances and statutes ; also to do and inquire into, according to the laws and statutes of this our realm of England, within the aforesaid town and the limits and precincts thereof, all other things which may or ought to be done and inquired into before any Justices or guardians of the peace of us, our heirs or successors, in any county of our realm of England, as Justices of the peace, so nevertheless that they do not in any way proceed to a determination of any treason or misprision of treason within the aforesaid town and the limits and precincts thereof, without special

4 mandate from us, our heirs or successors. And moreover we will, and by these presents ordain and appoint, that the modern Mayor of the town of Liverpool aforesaid and every other Mayor of that town and the last predecessor of every such Mayor in the same office respectively for the time being, before they or either of them shall be admitted to the execution of the office of Justice of the Peace within that town, shall before the Bailiffs and Burgesses of the aforesaid town for the time being, or any three of them take his corporal oath upon God's Holy Gospel to execute well and faithfully the office of Justice of the Peace within the same town and the limits and precincts thereof, in and by all things touching that office, and also the oaths required to be taken in this behalf by the laws and statutes of this our realm of England provided for Justices of the Peace. And to the Bailiffs and Burgesses of the aforesaid town for the time being and any three of them we give and grant by these presents full power and authority to give and administer from time to time the

5 aforesaid oaths in the manner aforesaid. And moreover we will and by these presents for us, our heirs and successors, we give and grant to the aforementioned Mayor, Bailiffs and Burgesses of the town of Liverpool aforesaid and their successors, that the modern Mayor of that town and every other Mayor of the same town for the time being hereafter to be nominated and elected may and shall respectively be Justices of us, our heirs and successors in our County Palatine of Lancaster to keep and preserve the peace, and to do, execute and perform all other things, which may or ought to be done, executed or performed by the Justices of the Peace of us, our heirs or successors within the same County Palatine by the laws and statutes of this our realm of England now published or hereafter to be published. And by these presents we make, ordain and constitute the modern Mayor of the aforesaid town and all and every Mayor and Mayors of that town for the time being hereafter to be nominated and elected, Justice and Justices of us, our heirs and successors, to keep and preserve the peace of us, our heirs and successors, within our County

Palatine of Lancaster aforesaid, and to do and execute all the other aforesaid things which may or ought to be done and executed by the Justices of the Peace within that County, as is aforesaid. And moreover we will that every such Mayor of the aforesaid town for the time being, before he is admitted to the execution of the office of Justice of the Peace within our County of Lancaster, shall before the Justices of that County for the time being or any three of them take his corporal oath upon God's Holy Gospel to execute that office well and faithfully, provided in that behalf by the laws and statutes of this our realm of England to be taken by the Justices of the Peace. And to these Justices or any three of them for the time being we give and grant by these presents full power and authority to give and administer from time to time the aforesaid oaths in the manner aforesaid. And moreover we will and by these presents we grant and declare that there may and shall be sixty persons for the time being to be elected as is mentioned below, who shall be and shall be called the Common Council of the aforesaid town. And moreover we have nominated and appointed Robert Williamson modern Mayor, Thomas Andoe, Henry Corless, John Chandler, Peter Lurting, Thomas Lickesteth, Thomas Johnson, Silvester Richmond, James Jerome, Thomas Chapman, William Traviss, James Prescott, Robert Fleetwood, Thomas Preeson, Richard Windle, William Fleetwood, Henry Higginson, William Williamson, Peter Atherton, Robert Seacombe, Richard Bushell, Thomas Shaw, Thomas Galloway, Thomas Brookebanke, Richard Williamson, John Lurting, Thomas Sandford, Samuel Fazackerley, John Mollineux, William Ackers, Anthony Wood, William Crompton, John Williamson, William Bayley, Thomas Bridge, Edward Tarleton senior, Richard Tarleton, John Barber, James Traviss, Joshua Williamson, Edward Greene, Ralph Williamson, Robert Carter, James Vernon, Oliver Lyme, our well beloved and very faithful cousin William, Earl of Derby, Thomas, Lord Colchester, Ralph Ashton of Middleton Baronet, Richard Atherton Esq, Peter Brooke Knight, Thomas Legh Esq, John Entwistle Esq, Nicholas Fazakerley, Robert Roper, Arthur Burren, William Blundell, Robert Seacombe, Thomas Cooke, Thomas Wright and Thomas Marsden gentlemen, to be the first and modern Common Council of the aforesaid town to continue during their natural lives, unless any of them shall happen to be removed for any reasonable cause by the Mayor, Bailiffs and Common Council of the aforesaid town or the greater part of them for the time being. And moreover we will and by these presents declare, that the Mayor, Bailiffs, Common Council and freemen of the aforesaid town respectively henceforth to be elected, shall be elected and nominated to the separate offices and freedoms aforesaid by the Mayor, Bailiffs and Common Council of the aforesaid town for the time being or thirty of them, and if it shall happen that at such election or elections the votes of the aforesaid Mayor, Bailiffs and Common Council shall be equal, then we will and by these presents grant that the Mayor of the same town for the time being shall from time to time in such elections have the determination of the same election. And moreover we will and by these presents declare that fifteen persons of the aforesaid number of sixty Common Councillors for the time being are and shall be burgesses of the aforesaid town dwelling

10 outside that town. And moreover we will and by these presents firmly enjoining command for us, our heirs and successors, that the aforesaid Mayor, Bailiffs and Burgesses and their successors may hold, use and enjoy, and are able to and can have, hold, use and enjoy for ever all their aforesaid liberties, authorities, jurisdictions, customs, grants, franchises and quittances, according to the tenor, form and effect of these our Letters Patent without hindrance, molestation or impediment of us, our heirs or successors, or of the justices, sheriffs, escheators, bailiffs, or other ministers whatsoever of us, our heirs or successors. Not willing that the same Mayor, Bailiffs and Burgesses or their successors or any of them, by reason of the premises or any part thereof, should be hindered, molested, vexed or troubled, or in any way disturbed by us, our heirs or successors, or by the justices, sheriffs, escheators, bailiffs or other ministers of us, our heirs or successors. Willing also and by these presents for us, our heirs and successors commanding and ordering both our Treasurer, Chancellor, Barons of our Exchequer at Westminster and other justices of us, our heirs and successors, and our Attorney-General for the time being, and each of them, and all other ministers and officers of us, our heirs and successors for the time being, that neither they nor any of them, shall commence or prosecute, or make or cause to be commenced or prosecuted, any writ or suit of *Quo Warranto* or any other writ, writs or process of us whatsoever against the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid town or any of them for any causes, things, matters, offences, claims and usurpations, or any of such things, attempted claimed, used, had, done or usurped before the completion of these our Letters Patent. Willing also that the same Mayor, Bailiffs and Burgesses of the aforesaid town or any of them shall not in any way be molested or impeded by any justices, sheriffs, officers or ministers aforesaid in or for the due use, claim or abuse of any other liberties, privileges, franchises or jurisdictions within the aforesaid town and the liberties and precincts thereof before the day of the completion of these Letters Patent, or be compelled to answer to these or any of them ; because express mention of the true annual value, or of the certainty of the premises or of any thereof, or of other gifts or grants previously made by us or any of our progenitors or predecessors to the aforesaid Mayor, Bailiffs and Burgesses is not made in these presents, or any statute, act, ordinance, provision, proclamation, or restriction hitherto had, made, published, ordained or provided, or any other thing, cause or matter whatsoever

11 to the contrary thereof notwithstanding. In witness whereof we have caused these our Letters to be made patent. Given at our Palace of Westminster under the Seal of our County Palatine of Lancaster, the eighteenth day of July in the twenty-ninth year of our reign.

Gerard.

X. CHARTER OF JAMES II

4 April, 1685

Documents relating to the obtaining of the New Charter. Towards the end of Charles II's reign the charters of many towns were examined by writs of *quo warranto* and were remodelled in the interests of the court. The Charter of Liverpool was demanded from the town and given up without apparently any resistance.

August 19, 1684. 'At a Common Council then held, it was declared by M^r Mayor, that hee hadd latelie been wth S^r George Jefferies, Lord Chiefe Justice of England, who demanded from him the Charter of this Corporation by speciall direction from his Ma^{ty} & expects to have y^e s^d Charter to bee delivered to him at Bewsie^t tomorrow, or on Thursday morning ; or for default thereof, a Quo Warranto to bee sent for it ; upon full debate thereof, it was ordered by the whole Council nemine contradicente 'That the said Charter shalbee delivered upp to the s^d L^d Cheife Justice on Thursday morning next And that Mr. Mayor, Aldⁿ Clayton, Aldⁿ Williamson, Aldⁿ Windall, y^e present baylives, town clerke, the S^rjeant at Mace & tenne more of the Councell should attend the s^d L^d Cheife Justice & bee present at y^e deliverie of the s^d Charter.¹

21 August, 1684. M^r Mayor with the persons above menco'ed waited on the Lord Cheife Justice at Bewsey and delivered the said Charter for his Ma^{ties} vs: And immediatlye after the resignation was accepted The said Charter was returned to m^r Mayor.²

Oct. 27, 1684. It was ordered by M^r Deputie Mayor the Aldⁿ and major part of the Councell that Aldⁿ Rob^t Seacome shall goe to London to sollicite the speedie obteyninge of a New Charter for this Burrough.³

[At a Council, Nov. 22, 1684]. The draught of the new Charter rec^d from m^r Entwisle was read in Councell and approved of The 26th day of November afores^d The s^d draught wth King Henries Charter & King Charles the first and seconds Charters were sent from Bewsie directed to m^r Pope in London.⁴

[At a Council, Jan. 28, 1685]. Ordered That whereas this Corporation hath entrusted & employed John Entwisle Esq^{re} Record^r of this Burrough & James Lightbourne Esq^{re} jointly to sollicite a new Charter & forasmuch as the Sollicitation of the s^d Charter hath beene retarded by some animosities betweene them ; That m^r deputie Maior by y^e direccon & advice of the L^d Cheife Justice Jefferies retaine such Councell & sollicitors for y^e speedie obteyning of y^e s^d Charter, as hee in his discretion shall thincke meete.⁵

April 8, 1685. Memorandum. That on the eighth day of Aprill Anno Domini 1685 Thomas Clayton Esquire Deputie Mayor attended wth manie ffreemen Inhabitants of this Burrough of Leverpoole did go to Bewsie, where they mett with the New charter granted by our Gracious Sovereigne King James the Second now of England ec where they were kindly receaved & noblie enterteyned by S Richard Atherton Knight our present Mayor, who was pleased thence to accompanie the s^d Charter to this Towne ; and caused the s^d Charter to be read in the Exchange ; And afterwards hee tooke y^e oathes of Allegiance & Supremacie & the other oath and subscribed as by law required & took y^e oath of Maioraltie ec Also John Entwisle Esq^{re} our Recorder,

1. Bewsey Hall, near Warrington, the seat of Sir Richard Atherton, an adherent of the Court. Mayor, 1684-5.

2. *Mun. Rec.*, IV, 367.

5. *Mun. Rec.*, IV, 374.

3. *Mun. Rec.*, IV, 367.

6. *Mun. Rec.*, IV, 389.

4. *Mun. Rec.*, IV, 372.

Silvester Richmond Robert Seacome John Chorley Thomas Clayton, Richard Windall & Edward Tarleton Aldermen, James Vernon, Richard Houghton, Gerrard Winstanley Henrie Higginson, Richard Williamson, William Travers, James Prescott, John Barker, Robert Carter, Richard Tarleton, Thomas Tyrer, Joshua fisher, Thomas Warmingham, Richard Seddon, Richard Diggle, Thomas Bridge, John Travers, George Hull, Charles Greene, Thomas Gerrard, William Worrall, Richard Shaw, Thomas Gildhouse, Robert Clarke, Edward Lewis, David Poole, John Crosse Esq^{re}, Robert Clayton Esq^{re}, Thomas Marsden, Clerke, & Robert Seacome Senio^r tooke the oathes of Allegiance & Supremacie & made Subscription & then tooke the Oath of a Common Councell man of this Burrough.¹

Although the terms of the Charter could not have been pleasing to the Council it nevertheless paid honourably all who had taken pains to obtain it for the town, and even borrowed money to discharge its obligations.

[*At a Council, March 26, 1685*]. That the summe of One hundred pounds shalbee taken vpon interest on this Corporacons Account, towards payment of the rest of the charge of the new Charter & other debts, for the terme of sixe months or longer.²

[*At a Council, May 13, 1685*]. Ordered That the baylives paye m^r Entwisle fourtie shillings for his paines about the new Charter.

That m^r Lightbowne shall have three pounds paid to him for his paines about the new Charter.

That m^r John Pope shall have tenne guineys paid to him for his paines and care about the new Charter.³

Description. The original is in the possession of the Corporation, and is written on two sheets of parchment, the first measuring twenty-seven inches deep by twenty-nine-and-three-quarter inches wide, the second twenty-four inches deep by twenty-nine-and-three-quarter inches wide. There are no stamps. In the initial letter J, in copperplate engraving, is a half-length portrait of the king, dressed in armour, in an oval. Above the first line of the lettering of the Charter is bold scroll work, also in copperplate engraving, among which are a demi-griffin, a demi-lion, a serpent, a lion rampant, a unicorn, a demi-dragon, and an eagle. Underneath is : *Sold at Furnival's Inn Gate*. The margins of both membranes are ruled with double red lines, and there is a red line drawn under each line of the lettering. The writing is somewhat difficult to decipher, and the difficulty is increased by the many folds and creases in the membranes. The Seal of the County Palatine, in yellow wax, is attached by a red and white plaited cord. It is much rubbed. The diameter is nearly five inches. On the obverse is the King on horseback moving to the left, holding in the right hand a sword, and in the left the reins. Behind the figure of the King is a Tudor rose crowned. The legend is

II DEI GRATIA

ANNI

EI(?)DEFE(?)

On the reverse on an ornamental shield are three lions passant gardant in pale, and a label of three points,⁴ ensigned with a royal coronet composed of crosses pattée and fleurs-de-lys alternately, with a pearl between each. Below the shield are two greyhounds sejant, addorsed, collared each supporting an ostrich feather erect with a scroll attached to the quill. The legend is obviously the same as on the obverse, but the only remains of it are :

VS II D

REX FIDEI D

1. *Mun. Rec.*, IV, 391.

2. *Mun. Rec.*, IV, 390.

3. *Mun. Rec.*, IV, 396.

4. The label is so rubbed that it cannot be seen whether or not there are any charges on it.

Copies and Translations. A copy and translation are given in the *Trans. Hist. Soc. Lanc. and Ches.*, vol. 36 (1884), pp. 99-122, and also an abstract in pp. 69-73.

Docquet. Aprill 1685 Annoque. Regni Regis Jacobi Secundi primo.

Liverpoole } His Ma^y is hereby gratioſly pleaſed to Incorporat the Burgesses of the
Chre } Towne of Liverpoole in the County of Lancaſter, by the name of the
Mayor Bayliffs and Burgesses of the Burrough of Liverpoole in the County of Lan-
caſter and to grant and Confirme to them and their Successors All the Manno' Mes-
suages lands and 'l enem^s powers priviledges and ffranchises whatsoever enjoyed by
their p'decessors Reserving power to his Ma^y his heires and Successors to displace by
Ord^r in Council any Officers of the said Corporacon and the names of the p'sent
Officers, and Such Clauses addicons and alteracons are inserted, as were directed by
warr^t vnd^r his Mt^y Royall Signe Manuall Subscr^d by M^r Attor^r Gen^l and procur^r by the
Earle of Sundrland.

But a very important note is written against this extract : 'never past.' Does this mean that James II's Charter never gained legal force ? This is by no means impossible. Certainly the Corporation took no steps to carry it into effect ; but that on the King's side the Charter, or at least that clause of it which especially affected him, the power of removing at will the Corporate officers, was acted upon is clear from the following extract from the Municipal Records :—

Att the Court att Windsor the 14th of August, 1687

The Kings most Excellent Maiestie present in Council Whereas by the Charter granted to the Towne of Liverpool a Power is Reserved to his Maiestie, by his order in Councell to remove from their Employments anie officers in the said Towne. And his Ma^{ties} havinge received Information of the Misbehaviour of Oliver Lyme Deputie Maior of Liverpoole, and Silvester Richmond a Justice of the peace there, Hath thought fitt this day in Councell to declare his pleasure And doth accordinglie Order, That the said Oliver Lyme and Silvester Richmond be, and they are herebie removed and displaced from their respective offices in the said towne of Liverpoole

Phil : Musgrave

September the 12th, 1687. Att a full Councell then held In obedience to his Ma^{ties} order, Wee doe declare That Oliver Lyme and Silvest^r Richmond bee and are removed and displaced from their respective offices in this towne of Liverpoole.¹

On the other hand, it is noteworthy that in 1695 in all the disputes between the New and Old Charter men, the Charter of James II is not upheld by either party, and the struggle turns on the retention of the Charter of Charles II, which is regarded as the governing Charter, or the restoration of the Charter of Charles I.

ABSTRACT

1. Surrender of previous Charters.
2. Incorporation of Liverpool.
3. Powers given to the Body Corporate to hold, purchase and alienate lands etc.
4. And to have a Common Seal.
5. Appointment of a Common Council of sixty-one persons, a Mayor, two Bailiffs, a Recorder and a Common Clerk.

1. *Mun. Rec.*, IV, 469.

6. Nomination of Sir Richard Atherton as first Mayor, of the first nine Aldermen, of John Entwisle as first Recorder, of Richard Houghton and Gerard Winstanley as first Bailiffs, of the first Common Council, and of Thomas Sandford as first Common Clerk.
7. Fifteen members of the Common Council to be non-resident Burgesses.
8. Appointment of the Mayor and ex-Mayor and Recorder as J.P.'s for Liverpool.
9. Oath of the Mayor, ex-Mayor and Recorder as J.P.'s for Liverpool.
10. Appointment of the Mayor as J.P. for the County of Lancaster.
11. Oath of the Mayor as J.P. for the County.
12. Appointment of two Sub-Bailiffs by the Common Council.
13. Powers given to the Mayor, etc., to administer the Oaths of Supremacy and Allegiance.
14. Power given to the Mayor to appoint a Deputy.
15. Oaths to be taken by the officers nominated in the Charter.
16. Power given to the King to remove at will any officer.
17. Filling up of vacant offices.
18. Grant of a sword.
19. Confirmation of all rights and privileges enjoyed under this and former Charters.
20. Witness and date.

1 JACOBVS SECVNDVS DEI GRATIA Anglie Scocie francie et Hibernie Rex, fidei Defensor, etc, Omnibus ad quos presentes he littere nostre peruenerint, salutem. Cum Villa nostra de Leuerpoole in Comitatu Palatino nostro Lancastrie sit uilla antiqua et populosa et antiquus et solus Portus in dicto Comitatu Palatino, Ac Maior Balliui et Burgenses uille predicte, a tempore cuius contraria memoria hominum non existit, diuersas libertates franchises Immunitates et preheminentes habuerint usi et gauisi fuerint, tam ratione diuersarum chartarum et litterarum Patentium diuersorum Progenitorum et Antecessorum nostrorum nuper Regum et Reginarum Anglie eis et Predecessoribus suis per nomen Maioris Balliuorum et Burgensium uille de Leuerpoole in Comitatu Lancastrie siue per aliquod aliud nomen siue aliqua alia nomina preantea factarum et concessarum, quam ratione et pretextu diuersarum prescripcionum et consuetudinum in eadem uilla usitatarum et exercitatarum; Cumque dilecti et perquamfideles subditi nostri modo Maior Balliui et Burgenses uille predicte sursum reddiderint omnes

singulas Potestates franchises libertates priuelegia et authoritates quecunque et qualitercunque concessa, utenda seu exequenda per predictos Maiorem Balliuos et Communitatem uirtute cuiuscunque Juris Tituli uel Interesse stabiliti in illis per aliquam Chartam Literas Patenses Consuetudines siue prescripciones quascunque de et concernente eleccionem nominationem constitutionem uel appunctuacionem alicuius persone siue personarum ad uel pro dicta seperabilia respectiua Officia Maioris Balliuorum et Burgensium dicte uille, uel alicuius Officij seu Officiorum per progenitores uel predecessores nostros datas seu concessas, Quam quidem sursumreddicionem acceptauimus ac per presentes acceptamus, Et nobis humillime supplicauerint quatenus nos eisdem Maiori Balliuis et Burgensibus gratiam et munificentiam nostram regiam, tam in Creacione et Confirmacione Corporis Corporati predicti et antiquorum libertatum et priuilegiorum suorum, quam in concessione talium aliarum libertatum quales pro bono publico et meliori Regimine uille illius nobis melius uidebitur expediri

2 gratiose exhibere et extendere uelimus: Nos igitur uolentes quod de cetero imperpetuum in eisdem uilla et Portu habeatur continuo unus certus et indubitatus modus de et pro Custodia pacis et regimine et gubernacione populi nostri ibidem, Et quod uilla et portus predicti de cetero imperpetuum sit et remaneat Burgus et Portus Pacis et quietus ad formidinem et terrorem malefactorum et in premium bonorum Et quod Pax nostra ceteraque facta Justicie ibidem melius custodiri possint et ualeant, sperantesque quod si dicti Maior Balliui et Burgenses uille predictae et successores sui amplioribus ex concessione nostra gaudere poterint libertatibus et privilegijs, tunc ad seruicia que poterint nobis Heredibus et Successoribus nostris imponenda et exhibenda specialius fortiusque sentiant se obligatos, de gratia nostra speciali ac ex certa scientia ac mero motu nostris uolumus ordinauimus constituimus Declarauimus et concessimus, ac per presentes pro nobis Here-

dibus et Successoribus nostris uolumus ordinamus constituimus declaramus et concedimus, quod dicta uilla de Leuerpoole in Comitatu Lancastrie de cetero imperpetuum SIT ET ERIT LIBER BVRCVS de se ; Et quod Burgenses eiusdem Burgi et Successores sui de cetero imperpetuum sint et erint uigore presentium unum Corpus corporatum et Politicum in re facto et nomine, per nomen Maioris Balliuorum et Burgensium Burgi de Leuerpoole in Comitatu Lancastrie, et eos per nomen Maioris Balliuorum et Burgensium Burgi de Leuerpoole in Comitatu Lancastrie unum Corpus corporatum et politicum in re facto et nomine realiter et ad plenum pro Nobis Heredibus et Successoribus nostris erigimus facimus ordinamus constituimus confirmamus et declaramus per presentes. Et quod per idem nomen habeant

3 Successionem perpetuam ; et quod ipsi et Successores sui per nomen Maioris Balliuorum et Burgensium Burgi de Leuerpoole in Comitatu Lancastrie sint et erint perpetuis futuris temporibus persone habiles et in lege capaces ad habenda perquirenda recipienda et possidenda maneria messuagia Terras, Tenementa libertates priuilegia Jurisdicciones ffranchesias et hereditamenta, cuiuscunque fuerint generis nature uel speciei, sibi et Successoribus suis in ffeodo et perpetuitate aut pro termino uite uitarum, anni uel annorum, aut aliter quocunque modo ; ac etiam bona et Catalla et quascunque alias res, cuiuscunque generis nominis nature qualitatis uel speciei fuerint. Necnon ad danda concedenda dimittenda alienanda assignanda et disponenda Terras Tenementa et hereditamenta, et ad omnia et singula alia facta et res facienda et exequenda per nomen predictum. Et quod per idem nomen Maioris Balliuorum et Burgensium Burgi de Leuerpoole placitare et implacitari, respondere et responderi, defendere et defendi, ualeant et possint in quibuscunque Curijs placitis et locis, ac coram quibuscunque Iudicibus ac Justiciarijs ac alijs personis et Officiarijs nostris ac Heredum et Successorum nostrorum, in omnibus et singulis accionibus placitis sectis querelis causis materijs et demandis quibuscunque, cuiuscunque sint aut erunt generis nominis nature

qualitatis seu speciei, eisdem modo et forma prout aliqui alij
 ligei nostri huius Regni nostri¹ Anglie, persone habiles et capaces
 in lege, siue aliquod aliud corpus corporatum et politicum infra
 Regnum nostrum Anglie, habere, perquirere recipere possidere
 gaudere retinere dare concedere dimittere alienare assignare
 et disponere, placitare et implacitari, respondere et responderi,
 defendere et defendi, facere permittere siue exequi possint
 4 et ualeant. Et quod Maior Balliui et Burgenses Burgi predicti
 et Successores sui habeant imperpetuum Commune Sigillum
 pro Causis et negotijs suis et Successorum suorum quibuscunque
 agendum seruitur. Et quod bene liceat et licebit eis et succes-
 soribus suis Sigillum illud ad libitum suum de tempore in tempus
 frangere mutare et de nouo facere prout melius fieri et fore
 5 uidebitur. Volvmvs etiam ac per presentes pro Nobis Heredi-
 bus et Successoribus nostris concedimus et declaramus, quod
 de cetero imperpetuum sint et erint Officiarij et ministri se-
 quentes uizt sexaginta et unus probi et discreti uiri, qui erunt
 et uocabuntur Commune Concilium Burgi predicti; ex quibus
 sexaginta et uno unus foret probus et discretus uir, qui erit et
 uocabitur Maior Burgi predicti, et duo probi et discreti uiri
 qui erunt et uocabuntur Balliui Burgi predicti; ac etiam
 foret et erit infra Burgum predictum unus probus et discretus
 uir in legibus Anglie peritus, qui erit et uocabitur Recordator
 Burgi predicti; ac unus probus et discretus uir qui erit et
 uocabitur communis Clericus Burgi predicti; et quod quelibet
 persona que gerat Officium Maioris Burgi predicti immediate
 post suscepcionem dicti Officij erit et uocabitur Aldermannus
 Burgi predicti, durante uita sua naturabili, nisi pro iusta causa
 6 abinde amotus esset. Ac pro meliori² Execucione uoluntatis
 et Concessionis nostre in hac parte assignauimus nominauimus
 constituimus et fecimus ac per presentes pro nobis Heredibus
 et Successoribus nostris assignamus nominamus constituimus

1. This word is inserted.

2. These three words are defaced in the original.

facimus dilectum nobis Ricardum Atherton militem fore et esse primum ¹ et modernum Maiorem Burgi predicti, uolentes quod dictus Ricardus Atherton in Officio Maioritatis Burgi predicti erit et continuabit a dato presentium usque festum sancti Luce proxime sequentem post datum presentium, et exinde quousque aliquis alius Burgensis Burgi predicti in Officium illud debito modo electus prefectus et iuratus fuerit iuxta Ordinationes et prouisiones in hijs presentibus inferius expressas et declaratas, si idem Ricardus Atherton tam diu uixerit. Et assignauimus nominauimus constituimus et fecimus ac per presentes pro nobis ² Heredibus et Successoribus nostris assignamus nominamus constituimus et facimus dilectum ³ et perquamfidelem consanguineum ³ nostrum Willielmum Comitem de Derby et prefatum Ricardum Atherton et ³dilectos nobis Siluestrem Richmond, Robertum Seacombe Juniores, Johannem Chorley, Willielmum Williamson, Thomam Clayton, Ricardum Windall et Edwardum Tarleton fore et esse primos et modernos Aldermannos Burgi predicti. Et assignauimus nominauimus constituimus et fecimus ac per presentes pro nobis Heredibus et Successoribus nostris assignamus nominamus constituimus et facimus dilectum nobis Johannem Entwisle armigerum fore et esse primum et modernum Recordatorem Burgi predicti. Et assignauimus nominauimus constituimus et fecimus ac per presentes pro nobis Heredibus et Successoribus nostris assignamus nominamus constituimus et facimus dilectos nobis Ricardum Houghton et Gerrard Winstanley fore et esse primos et modernos Balliuos Burgi predicti. Et assignauimus nominauimus constituimus et fecimus ac per presentes pro nobis Heredibus et Successoribus nostris assignamus nominamus constituimus et facimus dictum Willielmum Comitem de Derby et dictos Ricardum Atherton, Johannem Entwisle, Siluestrem

1. This word is defaced in the original.

2. The words from *assignauimus* to *nobis* are defaced in the original.

3. This word is defaced in the original.

- Richmond, Robertum Seacombe Juniorem, Johannem Chorley, Willielmum Williamson, Thomam Clayton, Ricardum Windall, Edwardum Tarleton, et dilectos nobis Thomam Leigh de Shackley, Johannem Crosse, Thomam Norris, Petrum Bold, Willielmum Banck, Johannem Ashton, Gilbertum Aspinwall, Robertum Clayton, armigeros, Ricardum Holt, Thomam Marsden Clericum, Robertum Roper generosum, Thomam Cooke generosum, Robertum Seacombe seniore, Jacobum Vernon generosum, Oliuer Lyme, Ricardum Houghton, Gerrard Winstanley, Thomam Sandiford, Henricum Higginson, Ricardum Williamson, Thomam Brookbanck, Willielmum Trauers, Jacobum Prescott, Johannem Parker, Robertum Carter, Ricardum Tarleton, Henricum Smith, Edwardum Williamson, Thomam Tyrer, Joshuam ffisher, Thomam Warmingham, Willielmum Preeson, Ricardum Seddon, Ricardum Diggles, Thomam Bridge, Johannem Webb, Johannem Brennand, Johannem Trauers, Georgium Hult, Carolum Greene, Thomam Gerrard, Rogerum Richardson, Humfridum Trauers, Willielmum Worrall, Ricardum Shaw, Anthonium Carr, Thomas Gildas, Robertum Clerke, Edwardum Lewis, Andream Barlow et Daudem Poole fore et esse primos et modernos Communes Consiliarios Burgi predicti ad continuandum in Officio Communium Conciliariorum Burgi predicti, durante uitis suis naturabilibus, nisi aliquis siue aliqui eorum rationabili de Causa amoueri per Maiorem Balliuos et Commune Concilium Burgi predicti, uel maiorem partem eorumdem pro tempore existente acciderit siue acciderint.
- 7 Et ulterius uolumus ac per presentes declaramus quod quindecim persone de numero sexaginta et uno predictis Communibus Conciliarijs pro tempore existente sint et erint Burgenses Burgi predicti extra Burgum illum Inhabitantes. Et
- 6 assignauimus nominauimus constituimus et fecimus ac per presentes pro nobis Heredibus et Successoribus nostris assignamus nominamus constituimus et facimus predictum Thomam Sandiford fore et esse primum et modernum com

munem Clericum Burgi predicti: uolentes et per presentes concedentes quod dicti Recordator¹ Aldermanni Balliui et communis Clericus preantea nominati et constituti continuabunt in respectiuis Officijs suis, durante tali tempore et in tali modo quale antehac per spacium quinque Annorum iam ultime

8 elapsorum assuetum et consuetum fuit. Concessimus insuper ac pro nobis Heredibus et successoribus nostris Concedimus per presentes prefatis Maiori Balliuis et Burgensibus Burgi de Leuerpoole predicti et Successoribus suis quod Modernus Maior Burgi illius per presentes nominatus durante tempore Continuacionis sue in Officio Maioris Burgi illius, et quilibet alius Maior Burgi illius pro tempore existente, pro et durante tempore Continuacionis sue in Officio illo respectiue, et dictus Robertus Seacombe Junior usque ffestum sancti Luce predictum sequentem et quilibet ultimus predecessor cuiuslibet huiusmodi Maioris per spacium unius Anni ab et post exitum et decessum suum ab Officio Maioris eiusdem Burgi respectiue, et Recordator Burgi predicti pro tempore existente sint et erint et quilibet eorum sit et erit Justiciarij nostri Heredum et Successorum nostrorum ad pacem nostram Heredum et Successorum nostrorum infra Burgum predictum libertates et precincta eiusdem custodiendam et conseruandam et custodiri et conseruari faciendam, et ad omnia statuta et Ordinaciones pro bono Pacis nostre Heredum et Successorum nostrorum ac pro preseruacione eiusdem ac pro quieto Regimine et Gubernacione populi nostri Heredum et Successorum nostrorum edita et edenda in omnibus Articulis infra Burgum predictum libertates et precincta eiusdem iuxta uim formam et effectum eorumdem custodienda et custodiri facienda et ad omnes illos quos contra formam et effectum Ordinacionum et Statutorum predictorum aut eorum alicuius in Burgo predicto et precinctis eiusdem delinquentes inuenerint castigandos et puniendos, prout secundum formam

1. This word is inserted in the original.

Ordinacionum et Statutorum illorum fuerit faciendum. Et ulterius per presentes pro nobis Heredibus et Successoribus nostris concedimus prefatis Maiori Balliuis et Burgensibus Burgi de Leuerpoole predicti et Successoribus suis quod Maior Recordator Burgi predicti pro tempore existente et quilibet qui ultimus fuit Maior Burgi predicti et aliqui duo eorum per presentes constitutorum (quorum Maiorem uel Recordatorem pro tempore existente unum esse uolumus) sint et erint Justiciarij nostri ad inquirendum per Sacramenta proborum et legalium hominum de Burgo predicto, per quos rei ueritas melius sciri poterit, de omnibus et omnimodis felonijis ueneficijs, Incantacionibus sortilegijs Arte magna transgressionibus fforstallarijs Regratarijs ingrossarijs et extortionibus quibuscunque ac de omnibus et singulis alijs malefactis et Offensis, de quibus Justiciarij pacis nostre legitime inquirere possunt aut debent, per quoscunque et qualitercunque in Burgo predicto factis siue perpetratis uel que imposterum ibidem fieri uel attemptari contigerint; Ac etiam de omnibus illis qui In Burgo predicto in Couenticulis contra pacem nostram in perturbationem populi nostri seu ui armata ierint uel equitauerint, seu imposterum ire uel equitare presumpserint; Ac etiam de omnibus his qui ibidem ad gentem nostram machinandam uel interficiendam in Insidijs iacuerunt uel imposterum iacere presumpserint, ac etiam de hostelarijs et alijs omnibus et singulis personis, qui in abusu ponderum uel mensurarum siue in uenditione uictualium contra formam Ordinacionum et Statutorum uel eorum alicuius inde pro communi utilitate Regni nostri Anglie et populi nostri eiusdem editorum delinquerunt uel attemptauerunt seu imposterum delinquere uel attemptare presumpserint in Burgo predicto; Necnon ad omnia alia secundum Leges et Statuta huius Regni nostri Anglie infra Burgum predictum libertates precincta eiusdem facienda et inquirenda,

1. With this word a new sheet begins.

que coram aliquibus Justiciarijs siue Custodibus Pacis nostre Heredum uel Successorum nostrorum in aliquo Comitatu Regni nostri Anglie ut Justiciarij Pacis fieri aut inquiri poterint aut debent. Et ulterius uolumus et per presentes ordinamus et constituimus, quod moderni Maior et Recordator Burgi de Leuerpoole predicti et quilibet alius Maior per presentes constitutus et dictus Robertus Seacombe Junior et Recordator Burgi predicti et ultimus predecessor cuiuslibet huiusmodi Maioris in eodem Officio respectiue pro tempore existente, antequam ipsi ad Execucionem Officij Justiciariorum Pacis infra Burgum illum admittantur seu eorum aliquis admittatur, Sacramentum suum corporale super sacrosanctum Dei Euangelium ad Officium Justiciariorum Pacis infra eundum Burgum limites et precincta eiusdem in omnibus et per omnia Officium illud tangentia bene et fideliter exequendum, necnon Juramenta in ea parte per Leges et Statuta huiusmodi Regni nostri Anglie prouisa pro Justiciarijs Pacis prestari requisita coram Balliuis et Aldermannis Burgi predicti pro tempore existente seu aliquibus tribus eorum prestabunt et eorum quilibet prestabit. Quibus quidem Balliuis et Aldermannis Burgi predicti pro tempore existente et aliquibus tribus eorum ad Sacramenta et Juramenta predicta in forma predicta de tempore in tempus danda et administranda plenam potestatem et authoritatem pro nobis Heredibus et Successoribus nostris Damus et concedimus per presentes. Et ulterius uolumus et per presentes pro nobis Heredibus et Successoribus nostris Damus et concedimus prefatis Maiori Balliuis et Burgensibus Burgi de Leuerpoole predicti et Successoribus suis quod modernus Maior Burgi illius et quilibet alius maior eiusdem Burgi pro tempore existente imposterum nominandus et eligendus respectiue sit et erit, sint et erint Justiciarij nostri Heredum et Successorum nostrorum in Comitatu nostro Palatino Lancastrie custodiende et conseruande¹ et ad omnia alia facienda exequenda et performanda, que per Justiciarios Pacis nostri Heredum uel

1. The words *pacis nostre* are probably omitted.

Successorum nostrorum infra eundem Comitatem Palatinum per Leges et Statuta huius Regni nostri Anglie modo edita uel imposterum edenda fieri exequi aut performari possint aut debent. Ac modernum Maiorem Burgi predicti ac omnes et quemlibet Maiorem et Maiores Burgi illius pro tempore existente imposterum nominandos et eligendos, Justiciarium et Justiciarios nostros Heredum et Successorum nostrorum ad Pacem nostram Heredum et Successorum nostrorum infra comitatum nostrum Palatinum Lancastrie predictae custodiendam et conseruandam et ad omnia alia predicta que per Justiciarios Pacis infra Comitatum illum ut prefertur fieri et exequi possint et debent facienda et exequenda facimus ordinamus et constituimus per presentes. Et ulterius uolumus quod quilibet huiusmodi Maior Burgi predicti pro tempore existente, antequam ipse ad Execucionem Officij Justiciarij Pacis infra Comitatum nostrum Lancastrie admittatur, Sacramentum suum corporale super Sacrosanctum Dei Euangelium ad Officium illud bene et fideliter exequendum in ea parte per Leges et Statuta huius Regni nostri Anglie prouisum per Justiciarios Pacis prestandum prestabit coram Recordatore et aliquo uno Aldermannorum uel coram aliquibus duobus Aldermannis Burgi predicti pro tempore existente prestabit. Quibus quidem Recordatori et uni Aldermanno uel duobus Aldermannis pro tempore existente ad Sacramenta et Juramenta predicta in forma predicta de tempore et in tempus Danda et administranda plenam potestatem et authoritatem Damus et concedimus per presentes. Et preterea uolumus et pro nobis Heredibus et Successoribus nostris per presentes Damus et concedimus Maiori Balliuis et Burgensibus Burgi predicti et Successoribus suis quod Commune Concilium assemblatum uel maior pars eorum de tempore in tempus perpetuis futuris temporibus potestatem et authoritatem habeant et habebunt annuatim et quolibet anno imperpetuum in festo sancti Luce eligendi et nominandi et quod eligere et nominare possint

duos de liberis Burgensibus Burgi predicti, qui erunt Subballiui Burgi predicti pro uno Anno integro tunc proxime sequente et erunt assistantes et auxiliantes Balliuis Burgi predicti pro tempore existente in omnibus et per omnia Officia sua Balliuorum respectiue tangentia seu concernentia. Quodque illi postquam sic ut prefertur electi et nominati fuerint in Officio Subballiui Burgi predicti, antequam ad Officium illud exequendum admittantur, sacramentum corporale coram Maiore et Aldermannis Burgi predicti pro tempore existente uel tot eorum qui tunc interfuerunt ad Officium illud recte bene et fideliter exequendum in omnibus Officium illud tangentibus prestabunt, et quod post huiusmodi sacramentum sic prestitum Officium Subballiuorum Burgi predicti pro uno Anno integro extunc proxime sequente exequi ualeant et possint, nisi interim pro male se gerendis aut pro aliqua alia Causa rationabili per Maiorem et Commune Concilium Burgi predicti aut maiorem partem eorumdem in Communi Concilio assemblatam amoti sint uel alter eorum amotus erit. Et si contigerit Subballiuos Burgi predicti uel eorum alterum pro tempore existente infra unum Annum postquam ad Officium Subballiui et Subballiuorum Burgi predicti sic ut prefertur electi et Jurati fuerint uel fuerit obire aut ab Officio illo amoueri, quod tunc et toties bene liceat et licebit prefatis Maiori et Communi Concilio Burgi predicti pro tempore existente aut maiori parti eorumdem in Communi Concilio assemblate unum alium uel duos alios de liberis Burgensibus Burgi predicti Subballiuum uel Subballiuos Burgi predicti eligere et preficere et quod ille siue illi Officium illud habeat et exerceat, habeant et exerceant, durante residuo eiusdem Anni, Sacramento corporali in forma predicta prius prestito, et sic toties quoties Casus sic acciderit. Necnon quod Maior Senior Aldermannus et Junior Aldermannus Burgi predicti pro tempore existente seu duo aliqui eorum de tempore in tempus habeant et in perpetuis futuris temporibus habebunt plenam potestatem et Authoritatem dandi et administrandi

Sacramenta et Juramenta Supremacie et Ligeancie cuilibet persone siue quibuslibet personis infra Burgum predictum residentibus quem uel quas pro aliqua causa rationabili suspicarentur malevole se gerere contra ligeancie sue debitum uel erga Gubernacionem huius Regni Anglie prout nunc in Ecclesia
14 et Statu civili stabilita est. Et preterea uolumus pro meliori regimine et Gubernacione Populi nostri in Burgo predicto, ne quis defensus in Justicia exhibenda fore contigerit in absentia Maioris Burgi predicti, ac per presentes pro nobis Heredibus et Successoribus nostris damus et concedimus prefatis Maiori Balliuis et Burgensibus Burgi predicti et Successoribus suis quod de cetero Maior eiusdem Burgi pro tempore existente habeat et in omnibus futuris temporibus habebit plenam potestatem et authoritatem deputandi et constituendi aliquem unum alium liberum Burgensem Burgi illius ad Officium Maioris ad omnia Officio illo spectantia bene et fideliter exequenda in absentia uel egritudine ipsius Maioris ac etiam dandi et administrandi Juramenta eidem libero Burgensi sic deputato pro bona et debita Execucione et performance eiusdem Officij durante absentiam uel egritudinem Maioris ; Et sic toties quoties casus
15 sic acciderit. VOLVMVS insuper et per presentes firmiter precipimus quod Ricardus Atherton miles in presentibus nominatus fore Maior Burgi predicti, antequam ad Officium Maioris Burgi predicti exequendum admittatur, Sacramentum Corporale super sanctum Dei Euangelium pro debita execucione Officij Maioris infra Burgum predictum prestabit coram Aldermannis per presentes nominatis et constitutis uel aliquibus duobus uel pluribus eorum ; quibus Aldermannis aut aliquibus duobus uel pluribus eorum huiusmodi Sacramentum predicto Ricardo Atherton dandi et administrandi plenam potestatem et authoritatem damus et concedimus per presentes absque aliquo alio Warranto uel Commissione a nobis in ea parte procurando aut obtinendo. Ac etiam ordinamus et firmiter per presentes precipimus, quod Recordator Aldermanni Commune Con-

- cilium Balliui et communis Clericus Burgi predicti in presentibus nominati et constituti, antequam ad Execucionem Officiorum suorum admittantur seu eorum aliquis admittatur, seperabilia Sacramenta corporalia Officia sua respectiue tangencia bene et fideliter exequenda¹ prestabunt et prestabit coram dicto Ricardo Atherton. Cui quidem Ricardo Atherton dandi et administrandi huiusmodi Sacramenta Officiarijs uel personis predictis respectiue plenam potestatem et authoritatem damus et concedimus per presentes absque aliquo alio Warranto uel
- 16 Commissione in ea parte procurando aut obtinendo. Proviso semper ac plenam potestatem et authoritatem nobis Heredibus et Successoribus nostris per presentes reseruamus de tempore in tempus et ad omnia tempora imposterum ad Maiorem Recordatorem Communem Clericum et aliquem uel aliquos de Aldermannis Communi Concilio uel de Balliuis Burgi predicti in presentibus nominatis et constitutis uel imposterum eligendis uel constituendis ad libitum et bene placitum nostrum Heredum uel Successorum nostrorum in priuato Concilio factum et sub Sigillo priuati Concilij predicti eisdem respectiue significatum, ad amovendos et amotum et amotos esse declarandos, et quoties nos Heredes uel Successores nostri per aliquam talem ordinationem in priuato Concilio factam declarauimus tales et huiusmodi personas uel Officiarios pro tempore existente uel eorum aliquem uel aliquos fore et esse amotum uel amotos a respectiuis Officijs suis ut prefertur, quod tunc et extunc omnes et tales persone uel Officiarij uel eorum aliquis aut aliqui pro tempore existente sic amotum uel amotos esse declarati siue declarandi a respectiuis Officijs suis ipso facto et sine aliquo ulteriori processu realiter et ad omnes intenciones et preposita quecunque amotus sit et erit et amoti sint et erint, et sic toties quoties casus sic
- 17 acciderit, aliquo in contrarium inde non obstante. ET VLTERRIVS VOLVIMUS ac per presentes pro nobis Heredibus et Successoribus nostris concedimus Maiori Balliuis et Burgensibus Burgi predicti et Successoribus suis, quod quandocunque acci-

1. There is a mistake here obviously in the Latin.

- derit aliquem Maiorem Recordatorem communem Clericum aut aliquem uel aliquos de Aldermannis Communi Concilio uel de Balliuis Burgi predicti pro tempore existente obire seu ab Officio suo uel ab Officijs suis amoueri uel decedere siue stare recusare, quod tunc et in quolibet tali Casu alia idonea persona uel idonee persone de tempore in tempus ad et in Officio illius uel ad et in Officijs illorum sic amoueri uel obire siue stare recusare contingentes¹ et contingens, eligetur iurabitur et constituetur, eligentur iurabuntur et constituentur, quod talis persona in tali modo tempore et forma, prout antehac in ea parte assuetum et consuetum fuit, et Officium siue Officia locum siue loca, ad quod uel que sic electus et iuratus fuit, exercebit et exercebunt pro tali tempore et temporibus et abinde amotus erit uel amoti erunt in tali modo quale in huius-
- 18 modi Casibus in ea parte assuetum et consuetum fuit. Et ulterius uolumus ac per presentes pro nobis Heredibus et Successoribus nostris damus et concedimus prefatis Maiori Balliuis et Burgensibus Burgi predicti et Successoribus suis quod Maior Balliui et Burgenses Burgi de Leuerpoole predicti et Successores sui habeant et de cetero imperpetuis futuris temporibus habebunt Gladium et plenam potestatem et authori-
- 19 tatem pro ipso Maiore ferendi Gladium. Et ulterius de ampliori gratia nostra speciali ac ex certa scientia et mero motu nostris Concedimus et confirmamus pro nobis Heredibus et Successoribus nostris prefatis Maiori Balliuis et Burgensibus Burgi predicti et Successoribus suis, omnes et omnimodas libertates priuilegia franchises Immunitates Exempciones Consuetudines quietancias et Jurisdicciones quascunque necnon omnia et singula eadem preheminentes² Terras Tenementa et Hereditamenta, que Maior Balliui et Burgenses uille predicte seu eorum aliquis uel aliqui per quecunque nomina siue per quodcunque nomen uel quamcunque Incorporacionem uel pretextu

1. *Sic.*

2. This word is almost defaced in the original.

cuiuscunque Incorporacionis antehac habuerunt usi uel gauisi fuerunt aut habere tenere uti uel gaudere debuerunt, habuit tenuit usus uel gauisus fuit debuit uel debuerunt, eis et Successoribus suis imperpetuum de statu hereditario ratione uel pre-textu aliquarum Litterarum Patentium per aliquem progenitorum siue Antecessorum nostrorum Regum uel Reginarum Anglie antehac factarum et confirmatarum uel concessarum, siue quocunque alio legali modo iure seu Titulo consuetudine usu uel prescripcione antehac legitime usitata habita seu consueta: **TENENDVM** de nobis Heredibus et Successoribus nostris per talia eadem huiusmodi et consimilia redditus et seruicia per qualia et prout eadem de Predecessoribus nostris preantea tenebantur et non per alia. **QUARE** uolumus ac per presentes firmiter Iniungentes precipimus pro nobis Heredibus et Successoribus nostris quod predicti Maior Balliui et Burgenses Burgi predicti et Successores sui teneant utantur et gaudeant, ac habere tenere uti et gaudere ualeant et possint imperpetuum omnibus Libertatibus Authoritatibus Exempcionibus Jurisdictionibus consuetudinibus Concessionibus franchisesijs et Quietancijs suis predictis secundum tenorem formam et effectum harum Litterarum nostrarum Patentium, sine occasione molestacione uel impedimento nostro Heredum uel Successorum nostrorum Justiciariorum Vicecomitum Escaetorum Balliuorum et aliorum Ministrorum nostrorum Heredum et Successorum nostrorum quorumcunque. Nolentes quod iidem Maior Balliui et Burgenses et Successores sui uel eorum aliquis uel aliqui ratione premissorum siue eorum alicuius per nos Heredes uel Successores nostros Justiciarios Vicecomites Escaetores Balliuos siue alios Ministros nostros Heredum uel Successorum nostrorum quorumcunque occasionentur molestentur uexentur seu grauentur uel in aliquo perturbentur. Et ulterius **CONCESSIMVS** restituimus et confirmauimus ac per presentes pro nobis Heredibus et Successoribus nostris concedimus restituimus et confirmamus prefatis Maiori

Balliuis et Burgensibus Burgi predicti et Successoribus suis Corpus Corporale predictum ac omnes et omnimodas libertates liberas Consuetudines potestatem et authoritatem constituendi et ordinandi Leges et Statuta et potestatem et authoritatem imponendi fines uel Amerciamenta super delinquentes, franchises Immunitates Exempciones quietancias Jurisdicciones et hereditamenta quecunque, que Burgenses Burgi siue Ville Leuerpoole predictae aut que Maior Balliui et Burgenses Burgi siue Ville de Leuerpoole predictae et predecessores sui, quibuscunque nominibus censebantur seu uocabantur uel per quodcunque nomen uel per quamcunque Incorporacionem uel pretextu cuiuscunque Incorporacionis antehac incorporati fuerint, legitime habuerunt tenuerunt usi uel gauisi fuerunt aut habere tenere uti uel gaudere debuerunt habuit tenuit usus uel gausus fuit uel habere tenere uti uel gaudere debuit aut debuerunt, ratione seu pretextu aliquarum Chartarum aut Litterarum Patentium per nos aut per aliquem progenitorum nostrorum uel alicuius alterius persone siue aliquarum aliarum personarum quarumcunque quoquo modo antehac factarum et confirmatarum uel concessarum, seu quocunque alio legali modo iure consuetudine usu prescripcione siue Titulo antehac legitime usitato, habito, gauiso aut consueto, per presentes minime annihilata mutata siue diminuta. Et quod licitum sit et erit prefatis Maiori Balliuis et Burgensibus Burgi de Leuerpoole predicti et Successoribus suis habere tenere exercere uti et gaudere omnibus et omnimodis huiusmodi liberis consuetudinibus franchises et Immunitatibus exempcionibus Jurisdiccionibus et ceteris premissis superius per presentes in forma predicta concessis seu confirmatis, in tam amplis modo et forma ad omnia intenciones et preposita, qualia temporibus retroactis habuerunt tenuerunt, usi uel gauisi fuerunt, seu habere tenere uti et gaudere debuerunt. Et VLTERIVS de uberiori gratia nostra speciali ac ex certa scientia ac mero motu uolumus ac per presentes pro nobis Heredibus et Successoribus

nostris concedimus prefatis Maiori Balliuis et Burgensibus et Successoribus suis quod he Littere nostre Patentes uel Irrotulamentum earumdem erunt in omnibus et per omnia firme ualide et sufficienter effectuales in Lege erga et contra nos Heredes et Successores nostros, tam in omnibus curijs nostris, quam alibi infra Regnum nostrum Anglie, absque aliquibus alijs Confirmacionibus licencijs uel toleracionibus de nobis Heredibus uel Successoribus nostris imposterum per predictos Maiorem Balliuos et Burgenses aut Successores suos procurandis aut obtinendis. Volumus etiam et per presentes pro nobis Heredibus et Successoribus nostris concedimus prefatis Maiori Balliuis et Burgensibus Burgi predicti et Successoribus suis, quod habeant et habebunt has Litteras nostras Patentes, tam sub magno Sigillo nostro Anglie, quam sub Sigillo Comitatus Palatini nostri Lancastrie, Debito modo
 20 factas et sigillatas. In cuius rei Testimonium has Litteras nostras fieri fecimus Patentes. Datum sub Sigillo Comitatus nostri Palatini Lancastrie quarto die Aprilis Anno Regni nostri primo.

GERARD.

- 1 James the Second by the grace of God, King of England, Scotland, France and Ireland, defender of the faith etc To all to whom these present letters shall come, greeting. Whereas our town of Liverpool in our County Palatine of Lancaster is an ancient and populous town, and an ancient and the only port in the said County Palatine, and the Mayor, Bailiffs and Burgesses of the aforesaid town, from a time whereof the memory of man exists not to the contrary, have had, used and enjoyed divers liberties, franchises, immunities and pre-eminences, both by reason of divers Charters and Letters Patent of divers of our progenitors and ancestors, late Kings and Queens of England, heretofore made and granted to them and their predecessors by the name of the Mayor, Bailiffs and Burgesses of the town of Liverpool in the County of Lancaster, or by some other name or names, and by reason and force of divers prescriptions and customs used and exercised in the same town; and whereas our beloved and very faithful subjects, the present Mayor, Bailiffs and Burgesses of the aforesaid town, have surrendered all and singular the powers, franchises liberties, privileges, and authorities whatsoever, and howsoever granted to be used and exercised by the aforesaid Mayor, Bailiffs and Community, by virtue of whatever

right, title or interest established in them by any Charter, Letters Patent, customs or prescriptions whatsoever, given and granted by our progenitors or predecessors, of and concerning the election, nomination, constitution, or appointment of any person, or persons, to or for the said several respective offices of Mayor, Bailiffs and Burgesses of the said town or of any office or offices (And we have accepted and by these presents do accept this surrender :) And they have most humbly besought us that we would most graciously exhibit and extend to the same Mayor, Bailiffs and Burgesses our royal favour and munificence both in the creation and confirmation of the aforesaid body corporate and of their ancient liberties and privileges, and in the grant of such other liberties as shall seem to us more expedient for the

2 public welfare and better government of that town: We therefore willing that henceforth there shall be had for ever continually in the same town and port one sure and undoubted manner of and for the keeping of the peace and the rule and government of our people there, and that the aforesaid town and port henceforth may be and remain for ever a borough and port of peace and quietness to the dread and terror of evil doers and the reward of the good ; and that our peace and other matters of justice may and can be better kept therein ; and hoping that if the said Mayor, Bailiffs and Burgesse of the aforesaid town and their successors can enjoy by our grant fuller liberties and privileges, that then they will feel themselves more especially and more strongly bound to offer and show what services they can to us, our heirs and successors ; we, of our special grace and from our certain knowledge and mere motion, have willed, ordained, constituted, declared and granted, and by these presents for us, our heirs and successors, do will, ordain, constitute, declare and grant that the said town of Liverpool in the County of Lancaster hereafter may and shall be for ever, a Free Borough of itself, and that the Burgesses of the same Borough and their successors hereafter may and shall be for ever, by virtue of these presents, one body corporate and politic in deed, fact and name by the name of the Mayor, Bailiffs and Burgesses of the Borough of Liverpool in the County of Lancaster ; and by these presents we for us and our heirs and successors, erect, make, ordain, constitute, confirm and declare them, by the name of the Mayor, Bailiffs and Burgesses of the Borough of Liverpool in the County of Lancaster one body corporate and politic in deed, fact and name, really and fully : and that by the same name

3 they may have perpetual succession; and that they and their successors by the name of the Mayor, Bailiffs and Burgesses of the Borough of Liverpool in the County of Lancaster, may and shall be, at all future times, fit persons and capable in law to have, purchase, receive and possess manors, messuages, lands, tenements, liberties, privileges, jurisdictions, franchises and hereditaments, of whatever kind, nature or species they may be, to themselves and their successors, in fee and in perpetuity, or for a term of life or lives, a year or years, or otherwise in any manner whatever ; and also goods and chattels and all other things of whatever kind, name, nature, quality or species they may be : and also to give, grant, demise, alienate, assign and dispose of lands, tenements and hereditaments, and to do and perform by the aforesaid name all and singular other deeds and things ; and that by

thesame name of the Mayor, Bailiffs and Burgesses of the Borough of Liverpool, they may and can sue and be sued, answer and be answered, defend and be defended in all courts, pleas and places, and before all judges and justices and other persons and officers of us and our heirs and successors, in all and singular actions, pleas, suits, plaints, causes, matters and demands of whatever kind, name, nature, quality or species they may or shall be, in the same manner and form as any other our liege subjects, fit persons and capable in law, of this our realm of England, or any other body corporate and politic within our realm of England, may and can have, purchase, receive, possess, enjoy, hold, give, grant, demise, alienate, assign and dispose of, sue and be sued, answer and be answered, defend and be defended, do, permit or
4 perform; And that the Mayor, Bailiffs and Burgesses of the aforesaid Borough and their successors shall have for ever a Common Seal to be made use of for all causes and transactions of theirs and their successors, whatever is to be done¹; and that it may and shall be lawful for them and their successors, at their pleasure, from time to time, to break that seal, change or renew it, as it
5 shall appear best to be done and be. Also we will, and by these presents for us, our heirs and successors, we grant and declare, that henceforth for ever there may and shall be the following officers and ministers, viz.: sixty-one honest and discreet men, who shall be and shall be called the Common Council of the aforesaid Borough, of which sixty-one there shall be one honest and discreet man, who shall be and shall be called the Mayor of the aforesaid Borough, and two honest and discreet men who shall be and shall be called the Bailiffs of the aforesaid Borough; and also there may and shall be within the aforesaid Borough one honest and discreet man, skilled in the laws of England, who shall be and shall be called Recorder of the aforesaid Borough, and one honest and discreet man who shall be and shall be called the Common Clerk of the aforesaid Borough: and that every person who shall bear the office of Mayor of the aforesaid Borough, immediately after the end of the said office shall be and shall be called Alderman of the aforesaid town during his natural life, unless he is thence removed
6 for a just cause. And for the better execution of our will and grant in this behalf, we have assigned, nominated, constituted and made, and by these presents we do for us, our heirs and successors, assign, nominate, constitute and make our beloved Richard Atherton Knight to be the first and modern Mayor of the aforesaid Borough, willing that the aforesaid Richard Atherton shall be and continue in the office of Mayor of the aforesaid Borough from the date of these presents unto the feast of St. Luke next following after the date of these presents, and from thence until some other one of the Burgesses of the aforesaid Borough has been duly elected, appointed and sworn to that office, according to the ordinances and provisions expressed and declared below in these presents, if the same Richard Atherton shall so long live. And we have assigned, nominated, constituted and made, and by these presents for us, our heirs and successors, do assign, nominate, constitute and make our beloved and very faithful cousin, William Earl of Derby, and the aforesaid Richard Atherton, and our beloved Silvester Richmond, Robert Seacombe Junior, John Chorley, William Williamson, Thomas Clayton, Richard Windall, and Edward Tarleton to be the first and modern

1. Or this unsatisfactory bit of bad Latin may perhaps mean *such times as it may require to be done; or more freely, as occasion may serve.*

Aldermen of the aforesaid town. And we have assigned, nominated, constituted and made, and by these presents for us, our heirs and successors, do assign, nominate, constitute, and make our beloved John Entwisle Esq. to be the first and modern Recorder of the aforesaid Borough. And we have assigned, nominated, constituted and made, and by these presents for us, our heirs and successors, do assign, nominate, constitute and make our beloved Richard Houghton and Gerard Winstanley to be the first and modern Bailiffs of the aforesaid Borough. And we have assigned, nominated, constituted and made, and by these presents for us, our heirs and successors, do assign, nominate, constitute and make the said William Earl of Derby, and the said Richard Atherton, John Entwisle, Silvester Richmond, Robert Seacombe junior, John Chorley, William Williamson, Thomas Clayton, Richard Windall, Edward Tarleton, and our beloved Thomas Leigh of Shackley, John Crosse, Thomas Norris, Peter Bold, William Bank, John Ashton, Gilbert Aspinwall, Robert Clayton, Esqs, Richard Holt, Thomas Marsden Clerk, Robert Roper gentleman, Thomas Cook gentleman, Robert Seacombe senior, James Vernon gentleman, Oliver Lyme, Richard Houghton, Gerard Winstanley, Thomas Sandiford, Henry Higginson, Richard Williamson, Thomas Brookbanck, William Travers, James Prescott, John Parker, Robert Carter, Richard Tarleton, Henry Smith, Edward Williamson, Thomas Tyrer, Joshua Fisher, Thomas Warmingham, William Preeson, Richard Seddon, Richard Diggles, Thomas Bridge, John Webb, John Brennand, John Travers, George Hult, Charles Greene, Thomas Gerrard, Roger Richardson, Humfrey Travers, William Worrall, Richard Shaw, Anthony Carr, Thomas Gildas, Robert Clerke, Edward Lewis, Andrew Barlow, and David Poole to be the first and modern Common Council of the Borough aforesaid, to continue in the office of the Common Council of the aforesaid Borough during their natural lives, unless any of them happen to be removed for a reasonable cause by the Mayor, Bailiffs and Common Council of the aforesaid Borough, or the greater part
7 of them for the time being. And moreover we will, and by these presents declare, that fifteen persons of the number of sixty-one of the aforesaid Common Council for the time being may and shall be Burgesses of the
6 aforesaid Borough living outside that Borough. And we have assigned,
(=) nominated, constituted and made, and by these presents for us, our heirs and successors, do assign, nominate, constitute and make the aforesaid Thomas Sandiford to be the first and modern Common Clerk of the aforesaid Borough; willing and by these presents granting that the said Recorder, Aldermen, Bailiffs and Common Clerk, before nominated and constituted, shall continue in their respective offices during such time and in such manner as before for the
8 space of five years now last past has been wont and accustomed. Moreover we have granted, and for us, our heirs and successors by these presents do grant to the aforesaid Mayor, Bailiffs and Burgesses of the Borough of Liverpool aforesaid and their successors, that the modern Mayor of that Borough nominated by these presents, during the time of his continuance in the office of Mayor of that Borough, and every other Mayor of that Borough for the time being, for and during the time of his continuance in that office respectively, and the said Robert Seacombe junior (unto the aforesaid feast

of St. Luke following) and every last predecessor of every such Mayor for the space of one year from and after his egress and departure from the office of Mayor of the same Borough respectively, and the Recorder of the aforesaid Borough for the time being, may and shall be, and everyone of them may and shall be the Justices of us, our heirs and successors, to keep and preserve, and cause to be kept and preserved the peace of us, our heirs and successors within the aforesaid Borough and the liberties and precincts thereof; and to keep and cause to be kept in all articles all the statutes and ordinances, published or to be published, for the good of the peace of us, our heirs and successors and for the preservation thereof, and for the quiet rule and government of the people of us, our heirs and successors, within the aforesaid Borough and the liberties and precincts thereof, according to the force, form and effect thereof, and to chastise and punish all those whom they shall find offending against the form and effect of the aforesaid ordinances and statutes or any of them in the aforesaid Borough and the precincts thereof, as according to the form of those ordinances and statutes should be done. And moreover by these presents for us, our heirs and successors we grant to the aforesaid Mayor, Bailiffs and Burgesses of the Borough of Liverpool aforesaid and their successors, that the Mayor and Recorder of the aforesaid Borough for the time being and every one who has been the last Mayor of the aforesaid Borough, and any two of them appointed by these presents (of whom we will that the Mayor or Recorder for the time being be one) may and shall be our Justices, to inquire by the oath of honest and lawful men of the aforesaid Borough (through whom the truth of the matter may be the better known) concerning all and all manner of felonies, witchcrafts, enchantments, sorceries, magic arts, transgressions, forestallings, regratings, engrossings and extortions whatsoever, and concerning all and singular other misdeeds and offences, concerning which the Justices of our Peace can and ought lawfully to inquire, by whomever or however done or perpetrated in the aforesaid Borough, or which may happen hereafter to be there done or attempted: and also concerning all those who in the aforesaid Borough shall go or ride, or hereafter presume to go or ride, to conventicles against our peace to the disturbance of our people or by armed force; and also concerning all those who have laid, or hereafter shall presume to lay in wait to plot against or cause the death of our people; and also concerning inn-keepers and all and singular other persons, who in abuse of weights or measures or in the sale of victuals, have transgressed or attempted to transgress, or hereafter shall presume to transgress or attempt to transgress in the aforesaid Borough against the form of the ordinances and statutes, or any of them, published for the common welfare of our realm of England and of our people thereof; and also to do and enquire into within the aforesaid Borough and the liberties and precincts thereof, according to the laws and statutes of this our realm of England, concerning all other things which can or ought to be done or inquired into before any justices or guardians of the peace of us our heirs or successors, in any county of our realm of England, as Justices of the Peace. And moreover we will, and by these presents we ordain and constitute that the modern Mayor and Recorder of the Borough of Liverpool aforesaid and every other

- Mayor appointed by these presents, and the said Robert Seacombe junior, and the Recorder of the aforesaid Borough and the last predecessor of every such Mayor in the same office respectively for the time being, before they, or any of them, shall be admitted to the execution of the office of Justice of the Peace within that Borough shall take his corporal oath upon the Holy Gospel of God to execute well and faithfully the office of Justice of the Peace within the same Borough and the limits and precincts thereof, in and by all things pertaining to those offices, and also the oaths provided in that behalf by the laws and statutes of the same our realm of England, required to be taken by Justices of the Peace, before the Bailiffs and Aldermen of the aforesaid Borough for the time being or any three of them : and to these Bailiffs and Aldermen of the aforesaid Borough for the time being, and any three of them, we for us, our heirs and successors give and grant by these presents full power and authority to give and administer
- 10 from time to time the aforesaid oaths in the aforesaid form. And moreover we will and by these presents for us, our heirs and successors we give and grant to the aforesaid Mayor, Bailiffs and Burgesses of the Borough of Liverpool aforesaid, and their successors, that the modern Mayor of that Borough, and every other Mayor of the same Borough for the time being, hereinafter to be nominated and chosen, respectively may and shall be Justices of us, our heirs and successors, in our County Palatine of Lancaster, to keep and preserve and to do, execute and perform all other things which can or ought to be done, executed and performed by the Justices of the Peace of us, our heirs or successors within the same County Palatine, according to the laws and statutes of this our realm of England now published or hereafter to be published. And by these presents we make, ordain and constitute the modern Mayor of the aforesaid Borough, and all and every Mayor and Mayors of that Borough for the time being, hereinafter to be nominated and elected, Justice and Justices of us, our heirs and successors, to keep and preserve the peace within our County Palatine of Lancaster aforesaid and to do and execute all the other aforesaid things which can and ought to be done and executed by the Justices of the Peace within that
- 11 County as is aforesaid. And moreover we will that every such Mayor of the aforesaid Borough for the time being, before he is admitted to the execution of the office of Justice of the Peace within our County of Lancaster, shall, before the Recorder and any one of the Aldermen, or before any two of the Aldermen of the aforesaid town for the time being, take his corporal oath upon God's Holy Gospel to execute that office well and faithfully provided in that behalf by the laws and statutes of this our realm of England to be taken by Justices of the Peace. And to this Recorder and one Alderman or two Aldermen of the aforesaid Borough for the time being, we give and grant by these presents full power and authority to give and administer from time to time the aforesaid oaths in the aforesaid form.
- 12 And moreover we will, and by these presents for us, our heirs and successors, we give and grant to the Mayor, Bailiffs and Burgesses of the aforesaid Borough and their successors, that the Common Council assembled, or the greater part thereof, may and shall have, from time to time for ever hereafter, power and authority yearly and every year on the feast of St. Luke to elect

and nominate, and that they can elect and nominate, two of the free Burgesses of the aforesaid Borough, who shall be Sub-Bailiffs of the aforesaid Borough for one whole year then next following, and shall be assistants and helpers to the Bailiffs of the aforesaid Borough for the time being in and by all things touching or concerning their offices of Bailiffs respectively; and that they after they have been elected and nominated, as is aforesaid, to the office of Sub-Bailiff of the aforesaid Borough, before they are admitted to execute that office, shall take their corporal oath before the Mayor and Aldermen of the aforesaid Borough for the time being, or as many of them as shall be then present, to execute that office justly, well and faithfully in all things touching that office, and that after such oath so taken they can and may execute the office of Sub-Bailiffs of the aforesaid town for one whole year then next following, unless they or one of them may be removed meanwhile by the Mayor and Common Council of the aforesaid Borough, or the greater part of them assembled in the Common Council, for ill-behaviour or any other reasonable cause. And if it shall happen that the Sub-Bailiffs of the aforesaid Borough, or one of them, for the time being, die or be removed from that office within one year after being elected and sworn to the office of Sub-Bailiff, as is aforesaid, that then and so often it may and shall be lawful for the aforesaid Mayor and Common Council of the aforesaid Borough for the time being, or the greater part of them assembled in Common Council to elect and appoint one or two others of the free Burgesses of the aforesaid Borough as Sub-Bailiff or Sub-Bailiffs of the aforesaid Borough, and that he or they may have and execute that office during the rest of the same year, having first taken the corporal oath in the aforesaid form; and so as often as the case shall happen. And also that the Mayor, Senior Alderman, and Junior Alderman of the aforesaid Borough for the time being, or any two of them, may from time to time have, and in future times shall have full power and authority to give and administer the Oaths of Supremacy and Allegiance to every person or persons living within the aforesaid Borough, whom from any reasonable cause they may suspect of being evilly disposed to the obligation of their allegiance, or towards the government of this realm of England as it is now established in Church and Civil State. And moreover, for the better rule and government of our people in the aforesaid Borough, that there may not happen to be any defect in administering justice in the absence of the Mayor of the aforesaid Borough, we will and by these presents for us, our heirs and successors, we give and grant to the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid Borough and their successors, that henceforth the Mayor of the same Borough for the time being may and in all future times shall have full power and authority to depute and constitute some other free Burgess of that Borough to execute well and faithfully, in the absence or sickness of the Mayor himself, the office of Mayor and all things belonging to that same office, and also to give and administer an oath to the same free burgess so deputed, for the good and due execution and performance of the same office during the absence or sickness of the Mayor; and so as often as the case shall happen. Moreover we will and by these presents we firmly command that Richard Atherton Knight nominated in these presents to be Mayor of the

aforesaid Borough, before he is admitted to execute the office of Mayor of the aforesaid Borough, shall, before the Aldermen nominated and constituted by these presents, or any two or more of them, take a corporal oath upon God's Holy Gospel for the due execution of the office of Mayor within the aforesaid Borough : and to these Aldermen, or any two or more of them, we give and grant by these presents full power and authority to give and administer such an oath to the aforesaid Richard Atherton, without any other warrant or commission to be procured or obtained from us in that behalf. And also we ordain and by these presents firmly command that the Recorder, Aldermen, Common Council, Bailiffs, and Common Clerk of the aforesaid Borough, nominated and constituted in these presents, before they, or any of them, be admitted to the execution of their offices, shall before the said Richard Atherton take severally their corporal oaths well and faithfully to execute all things concerning their office respectively. and to the same Richard Atherton we give and grant by these presents full power and authority to give and administer such oaths to the aforesaid officers or persons respectively, without any other warrant or commission to be procured or obtained from us in that behalf. Provided always and by these presents we reserve for us, our heirs and successors full power and authority from time to time and at all future times to remove, and to declare to be removed, the Mayor, Recorder, Common Clerk, and any one or more of the Aldermen, Common Council or Bailiffs of the aforesaid Borough, nominated and constituted in these presents, or hereafter to be elected or constituted, at the will and good pleasure of us, our heirs and successors, made in the Privy Council and declared to them respectively under the Seal of the aforesaid Privy Council. And as often as we, our heirs or successors, shall by any such order made in the Privy Council, declare such persons or officers for the time being, or one or more of them, to be removed from their respective offices, as aforesaid, that then and from thenceforth all and such persons or officers, or one or more of them for the time being, thus declared to be removed from their respective offices, may and shall be *ipso facto* and without any further process, really and to all intents and purposes whatsoever removed, and thus as often as often as the case shall happen, anything to the contrary thereof notwithstanding. And, moreover we will, and by these presents for us, our heirs and successors, we grant to the Mayor, Bailiffs and Burgesses of the aforesaid town and their successors, that whenever it shall happen that any Mayor, Recorder, Common Clerk, or one or more of the Aldermen, Common Council or Bailiffs of the aforesaid Borough for the time being die, or be removed or retire from office, or refuse to stand, that then and in every such case another fit person or persons shall from time to time be elected, sworn and constituted to and in the offices of those thus happening to be removed or die, or refuse to stand, and that such persons shall exercise the office or offices, place or places, to which they have been thus elected and sworn, for such time and times, in such manner, time and form as it has been hitherto wont and accustomed in that respect, and shall be thence removed in such manner as in such cases in that respect has been wont and accustomed. And moreover we will, and by these presents for

us, our heirs and successors we give and grant to the aforementioned Mayor Bailiffs and Burgesses of the aforesaid Borough and their successors that the Mayor, Bailiffs and Burgesses of the Borough of Liverpool aforesaid and their successors may and henceforth in all future times shall have a sword, and full power and authority to carry the sword before the Mayor himself. And moreover of our more abundant special grace and from our certain knowledge and mere motion, we grant and confirm, for us our heirs and successors, to the aforementioned Mayor, Bailiffs and Burgesses of the aforesaid Borough and their successors all and all manner of liberties, privileges, franchises, immunities, exemptions, customs, quittances and jurisdictions whatsoever ; and also all and singular the same pre-eminences, lands, tenements and hereditaments, which the Mayor, Bailiffs and Burgesses of the aforesaid town, or any one or more of them, have by whatsoever names or name, or by whatsoever incorporation or force of any incorporation hitherto had, used or enjoyed, or ought to have, hold, use or enjoy, to them and their successors for ever, by the statutes of inheritances, by reason or pretext of any Letters Patent hitherto made, or confirmed, or granted by any of our progenitors or predecessors, Kings or Queens of England, or by any other legal means, right or title, custom, use or prescription heretofore lawfully used, had and accustomed : to be held from us, our heirs and successors, by such, like and similar rents and services, by which and in accordance as the same were held previously from our predecessors, and not otherwise. Therefore we will, and by these presents firmly enjoining we command for us, our heirs and successors, that the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid Borough and their successors may and can hold, use and enjoy for ever all their aforesaid liberties, authorities, exemptions, jurisdictions, customs, grants, franchises, and quittances according to the tenor, form and effect of these our Letters Patent without hindrance, molestation or impediment from us, our heirs or successors, or from the Justices, Sheriffs, Escheators, Bailiffs and all other ministers of us, our heirs and successors, not willing that the same Mayor, Bailiffs and Burgesses and their successors, or any one or more of them should by reason of the premisses or any of them be hindered, molested, vexed or aggrieved or in any way disturbed by us, our heirs or successors, or by the Justices, Sheriffs, Escheators, Bailiffs or other ministers of us, our heirs or successors. And moreover we have granted, restored and confirmed and by these presents for us, our heirs and successors we grant, restore and confirm to the aforementioned Mayor, Bailiffs and Burgesses of the aforesaid Borough and their successors, the aforesaid Body Corporate, and all and all manner of liberties, free customs, power and authority to constitute and ordain laws and statutes, power and authority to impose fines or amercements upon offenders, franchises immunities, exemptions, quittances, jurisdictions and hereditaments, which the Burgesses of the Borough or town of Liverpool aforesaid, or which the Mayor, Bailiffs and Burgesses of the Borough or town of Liverpool aforesaid, or their predecessors, by whatever names they were styled or called, or by whatever name or incorporation, or by force of whatever incorporation they have been heretofore incorporated, have lawfully had, held, used or enjoyed, or ought to have, hold, use or enjoy, by reason or pretext of any Charters or Letters Patent hitherto in any way made

and confirmed, or granted, by us or by any of the progenitors of us or of any other person or persons, or by any other legal means, right, custom, use, prescription, or title hitherto lawfully used, had, enjoyed or accustomed, in no way destroyed, changed or diminished by these presents. And that it may and shall be lawful for the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid Borough of Liverpool, and their successors to have, hold, exercise, use and enjoy all and all manner of such free customs, franchises and immunities, exemptions, jurisdictions, and the other premises above granted or confirmed in the aforesaid form by these presents in as ample means and form, to all intents and purposes, as in past times they have had, held, used or enjoyed them, or ought to have, hold, use and enjoy. And moreover of our more abundant special grace, and from our certain knowledge and mere motion, we will, and by these presents for us, our heirs and successors we grant to the aforesaid Mayor, Bailiffs and Burgesses and their successors, that these our Letters Patent or the enrolment thereof shall be in and by all things, firm, valid and sufficient, and effectual in law towards and against us, our heirs and successors, both in all our Courts, as elsewhere within our realm of England, without any other confirmations, licences or tolerations to be hereafter procured or obtained by the aforesaid Mayor, Bailiffs and Burgesses or their successors, from us, our heirs or successors. Also we will, and by these presents for us, our heirs and successors, we grant to the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid Borough and their successors that they may and shall have these our Letters Patent duly made and sealed both under our Great Seal of England as under
 20 the Seal of our County Palatine of Lancaster. In witness whereof we have caused these our Letters to be made Patent. Given under the Seal of our County Palatine of Lancaster, the fourth day of April in the first year of our reign.

Gerard.

XI. CHARTER OF WILLIAM AND MARY

9 March, 1691

The Revolution was followed by a dispute between the two parties in the town on the renewal of charters. The Whigs, placed in a minority in the permanent self-electing Council which was established by the Charter of Charles II and continued in that of James II (if the latter were ever put in force), desired to obtain a new Charter restoring the system which had existed under Charles I's Charter; the Tories, who disliked the terms of the James II Charter, wished to secure the recognition by the new government of the Charter of Charles II. The struggle between the Old and New Chartermen is vividly displayed in the Norris papers.

At first, in the moderation of the new régime, the Tories were successful, and obtained the following exemplification or confirmation of the Charles II Charter.

Description. The Charter is in the possession of the Corporation. It is written on three sheets, the first of vellum, the other two of parchment. The first sheet measures twenty-six inches deep by thirty-and-three-quarter inches wide, the second twenty-four-

1. *Chetham Society*, vol. ix.

and-a-half inches deep by thirty-and-three-quarter inches wide, and the third, fifteen-and-a-half inches deep by thirty-and-three-quarter inches wide. There are no stamps. Enclosed within the initial letter G in copperplate is a half-length portrait of the King in an oval, and within part of the M is a half-length portrait of the Queen in an oval. Above the first line of the lettering of the Charter, among bold scroll work, within which are two birds, is a royal crown, and thereon a lion passant, gardant, crowned, between a lion rampant to the left and a unicorn to the right. At the sides of the sheets among conventional flowers are ornamental crowned shields bearing the arms of England, France, Scotland and Ireland, and also two ornamental shields without crowns, the first bearing a crowned Tudor rose, and the second a crowned thistle. There is a red line drawn below each line of the lettering of the Charter, and the margins of each membrane are ruled with red lines. The writing is very clear and good, but the clerk was evidently rather careless; for several words have been omitted and inserted in the same hand above the line, there are a few obvious mistakes, and in several places the clerk has erased a word or letter and substituted another, sometimes cramping a longer word or more letters into the same space. His use of contractions also is erratic. The seal of the County Palatine is attached by a red and white plaited cord. On the obverse is the King on horseback moving to the right, in armour, holding in the right hand a sword and in the left the reins; on the saddlecloth, in the corner, is a royal crown. At his back is a Tudor rose crowned. The Queen is seen riding to the further side of the King, and in the same direction, with her face turned backwards toward him, holding in the right hand a sceptre. In the field below are ships on the sea. The legend is GVLIELMVS III ET MARIA II DEI GRA. ANG. FRA. ET HIB. REX. ET. REGINA. FIDEI. DEFENSORES. On the reverse, on an ornamental shield, are three lions passant gardant in pale with a plain label of three points, ensigned with a royal coronet composed of crosses pattee, and *fleurs-de-lys* alternately, with a pearl between each. Below the shield are two greyhounds collared sejant, addorsed, each supporting an ostrich feather with a scroll attached to the quill. The legend is the same as on the obverse.

Copies and Translations. The Charter is printed and translated in the *Trans. Lanc. and Ches. Hist. Soc.*, vol. xxxvi, pp. 122-3, and abstracted in the same place, pp. 73-4.

Docquet. There is no docquet of this Charter.

GVLIELMVS ET MARIA DEI GRATIA Anglie Scocie Francie et
Hibernie Rex et Regina fidei Defensores etc. OMNIBVS ad
quos Presentes Litere nostre peruenerint salutem. INSPEXI-
mvs tenorem quarundem Literarum Patentium in Camera
Ducatus nostri Lancastrie apud Westmonasterium inter Recorda
eiusdem Ducatus ibidem remanentia et existentia in haec
uerba videlicet. [*Then follows the charter of Charles II.*] Nos
autem tenorem earundem Litterarum Patentium ad instanciam
Maioris, Balliuorum et Burgensium Ville de Leuerpoole predictae
DVXIMVS Exemplificandam per Presentes. IN CVIVS rei
II Testimonium has Litteras nostras fieri fecimus Patentes.
Datum apud Palatium nostrum Westmonasterij, sub Sigillo
Comitatus Palatini nostri Lancastrie, nono die Martij Anno
Regni nostri tertio.

GERARD.

- 1 William and Mary, by the grace of God, King and Queen of England, Scotland, France and Ireland, defenders of the faith etc., to all to whom our present letters shall come, greeting. We have inspected the tenor of certain Letters Patent in the court of our Duchy of Lancaster at Westminster, remaining and being among the records of the same Duchy there, in these words (that is to say): [*Then follows the charter of Charles II.*] We, at the instance of the Mayor, Bailiffs and Burgesses of the aforesaid town of Liverpool have held that the tenor of these Letters Patent should be exemplified by these presents. In witness whereof we have caused these our Letters to be made patent. Given at our Palace of Westminster under the seal of our County Palatine of Lancaster, on the ninth day of March, in the third year of our reign.

GERARD.

XII. FIRST CHARTER OF WILLIAM III

26 September, 1695.

Documents relating to attempts to secure a New Charter. The strife between New and Old Charter men did not end with the grant of the exemplification of 1691, but went on with increasing bitterness, as the Norris papers show; until in 1695 (the Whigs being then in the ascendant in national politics) the local Whigs obtained, by the influence of the Duke of Shrewsbury, a new charter which remained the governing charter of the town until 1835. There are not many echoes of this struggle in the Municipal Records, but the following extracts will serve to illustrate it.

[*At a Council, March 29, 1695.*] Whereas there are Endeavours Used to take away from this Corporacon, or to make voyd our Charter granted by his late Majesty King Charles the Second of Blessed Memory (and Exemplified in the Third Year of the Raigh of King William and Queen Mary) to the said Corporacon, and whereby is given to the same Corporacon many great priviledges, advantages and immunities; It is this day therefore Order^d by us in Councell whose names are Subscribed that the May^r and Baylives of this Corporacon shall by such Lawfull means, and wayes, as they shall be advised to Use their utmost endeavours to p^rserve the said Charter; and that the said Major and Baylives of this Burrough, & Corporacon, and all such Persons as they shall employ to that purpose shall be indemnified, and sav^d harmlesse by this Corporacon; and at the charge thereof for what they or any of them shall Act or do in Order to the p^rmisses; And that such summe or summs of money as they or any of them shall Lay out or expend to the End afores^d shall be reimburs^d them, and every of them out of the Publick Stock of this Corporacon.¹

[*At a Council Oct. 9, 1695.*] Whereas Severall p^rsons within this Burrough have lay^d out Several Summs of money in Order to Recover the former Charter of King Charles the first, and so to restore our Auncient Priviledgs; which hath been by great Charg, and industry effected, It is Order^d that all Persons who do make it evidently appear that

1. *Mun. Rec.*, IV, 690.

they have lay^d out money on that Occasion shall be repaid out of the Town Stock, now due, or accruing due, proportionally to their advances as to time & money so advanced, or may be further advanc^d for the defence of the same.¹

Description. The original which is still in the possession of the Corporation, is written on six sheets of parchment, each measuring twenty-nine inches deep by thirtywide; to each sheet is affixed a blue 40s. stamp. Within the initial letter G., in copperplate engraving, is a half length portrait of the King in an oval. Among the scroll work above the first line of the lettering of the Charter are the lion and the unicorn, with birds, serpents and dragons. At the sides of the sheets among scrolls are Cupids and ornamental shields, crowned, bearing the arms of England, France, Scotland and Ireland, and also a crowned Tudor rose. On the following sheets above the first line of the lettering among scrolls are the royal arms within the garter with crown, crest, supporters. A red line is drawn below each line of the lettering. The writing is clear and large in an engrossing hand, but the ink is somewhat faded. The seal is attached by a red and white plaited cord, but is in a linen bag, and is in fragments.

Copies and Translations. There is in the possession of the Corporation another copy of the same Charter, sealed on Oct. 14 and enrolled on Oct. 23 of the same year. It is written on four sheets of parchment, to each of which is affixed a 40s. stamp. The only point in which this copy differs from the first is that after the words "fecimus Patentes" it runs "Dat apud Palatin' n'ru Westm' tam sub Sigill' Com' Palatin' nr Lanc' quam sub Sigill' Ducat nr Lanc' decimo quarto die Octobris Anno Regni nri Septimo. Gerard." Under the fold to which the seals are affixed there is also this note which does not occur in the other copy: Irr' xxij^o die Octobris Anno Dni 1695 in officio Johis Fanshawe Ar' Auditor' in partibus boreal Ducat' Lancast' p Richard [H]usbande Dep. Audr." This copy has the same initial letter, enclosing a portrait of William, the same engraved floriated scrolls at the head and sides, but has no red interlining. It appears to have been hastily made, as there are several erasures and corrections, and one omission.

There is a copy in the *App. Mun. Com. Inq. Rep.* (1833), and a translation in the *Report* itself, pp. 13-17; also an abstract in the *Trans. Hist. Soc. Lanc. and Ches.* vol. 36 (1884), pp. 76-80. There is also a translation in the pamphlet by Philodemus, 'A correct translation of the Charter of Liverpool with remarks and explanatory notes.'

Docquet. September 1695 Annoque regni regis Gulielmi Tertij Septimo. Leverpoole) A Regrant & Confirmacon to y^e Mayor Bayliffes and Burgesses of y^e Towne Charter of Leverpoole in y^e County of Lancaster of their Lands & Antient Priviledges as the same were Granted e Confirmed to them by the Chre passed in y^e second Yeare of King Charles the first & likewise a Grant to y^e said Corporac'on of severall other Powers Liberties & priviledges contained in later Chres to them Granted, And y^e Names of y^e present Members of y^e said Corporacon are inserted as were directed, By Warr^t signed by their Excellencies y^e Lords Justices, Subscribed by Mr. Attorney Gen^l & procured by the Duke of Shrewsbury.

ABSTRACT

1. Confirmation of Charles I's Charter.
2. Reference to the illegal methods of obtaining Charles II's Charter.
3. Appointment of a Common Council of forty-one persons, a Mayor, two Bailiffs, a Recorder, a Common Clerk.

1. *Mun. Rec.*, IV, 702.

4. Nomination of Thomas Johnson sen. as first Mayor, of Richard Norris and Levinus Hewston as first Bailiffs, of John Entwisle as first Recorder, of the first five Aldermen, of the first Common Council, and of Thomas Sandiford as first Common Clerk.
5. Twenty-five Burgesses with the Mayor and one Bailiff empowered to act as a Common Council.
6. Appointment of the Mayor, ex-Mayor, senior Alderman and Recorder as J.P.'s for Liverpool.
7. Oaths of the corporation officers.
8. Oath of the Mayor, ex-Mayor, Recorder and Senior Alderman as J.P.'s for Liverpool.
9. Appointment of two sub-Bailiffs by the Common Council.
10. Oath of the sub-Bailiffs.
11. Power given to the Mayor to appoint a Deputy.
12. Filling up of vacant offices.
13. Grant of a sword.
14. Confirmation of all rights and privileges enjoyed under former Charters.
15. Witness and date.

1 GVLIELMVS TERTIVS DEI GRATIA Anglie Scotie ffrancie et Hibernie Rex fidei Defensor, etc, OMNIBVS ad quos presentes Littere nostre peruenerint Salutem. INSPEXIMVS quasdam Litteras Patentes sub magno Sigillo Anglie gerentes datum apud Westmonasterium quarto die Julij Anno Regni precharissimi Aui nostri Caroli primi nuper Regis Anglie etc secundo factas et Concessas Maiori Balliuis et Burgensibus Ville de Liuerpoole in Comitatu Palatino Lancastrie in hec uerba. [*Then follows Charles I's Charter.*] Nos autem omnia et singula Francherias Libertates Priuilegia Quietancias Immunitates Concessionones Confirmationes predicta rata habentes et grata pro nobis Heredibus et Successoribus nostris, quantum in nobis est, Acceptamus Approbamus et Ratificamus, Ac omnia et singula Francherias Libertates Pruilegia Quietancias et Immunitates predicta Dilectis nobis Maiori et Balliuis in hijs presentibus inferius nominatis et Maiori Balliuis et Burgensibus Ville predictae et successoribus suis tenore presentium Concedimus et Confirmamus, sicut Carte siue Littere Patentes predictae rationabiliter testantur, Et prout ijdem Maior Balliui et Burgenses eiusdem Ville de

Liuerpoole uel Predecessores sui unquam Franchesijs Libertatibus Priuelegijs Quietancijs et Immunitatibus predictis uti et gaudere debent poterunt seu debuerunt, Licet dicti Maior Balliui et Burgenses eiusdem Ville uel Predecessores sui Franchesijs Libertatibus Priuilegijs Quietancijs et Immunitatibus predictis seu eorum aliquo uel aliquibus abusi uel non usi fuerunt.

- 2 CVMQUE datum sit nobis intellegi [*sic*] Quod pauci Burgensium Ville predictae per Combinacionem inter se sine assensu maioris partis Burgensium dicte Ville et sine Sursum reddicione pre-recitate Charte aut aliquo Iudicio in Quo Warranto uel aliter dato contra eandem procurauere Nouam Chartam sub Sigillo Comitatus Palatini Lancastrie esse Concessam Ville predictae gerentem datum octauo die Julij Anno Regni Domini nuper Regis Caroli secundi uicesimo nono, in qua diuerse materiales mutaciones designate fuerunt fiende in Gubernacione Ville predictae; Que quidem mutaciones multas differentias et Dubia concernentia Libertates Franchlesias et Consuetudines Ville predictae Ac etiam concernentia Electionem et Continuacionem Maioris et diuorsorum aliorum Officiorum eiusdem Ville causauere:
- 3 SCIATIS modo quod Nos Pacem Tranquillitatem et bonam Gubernacionem dicte Ville et Burgensium et Inhabitantium eiusdem gratiose affectantes et omnia illa Differentias et Dubia in hac parte auferre designantes de gratia nostra speciali ac ex certa scientia et mero motu nostris Volumus, ac per presentes pro nobis Heredibus et successoribus nostris Constituimus Concedimus et Declaramus quod de cetero imperpetuum sint et erint Officarij et Ministri sequentes uizt, Quadraginta et unus probi et discreti uiri de Burgensibus Ville predictae, qui erunt et uocabuntur Commune Consilium Ville predictae. Ex quibus Quadraginta et uno Vnus foret probus et discretus Vir qui erit et uocabitur Maior Ville predictae, et duo probi et discreti Viri qui erunt et uocabuntur Balliui Ville predictae; Ac etiam foret et erit infra Villam predictam unus probus et discretus Vir in

Legibus Anglie peritus qui erit et uocabitur Recordator Ville predictæ ; Ac unus probus et discretus Vir qui erit et uocabitur Communis Clericus Ville predictæ. Et quod quelibet persona, que geret Officium Maioris Ville predictæ immediate post suscepcionem dicti Officij erit et uocabitur Aldermannus Ville predictæ durante uita sua naturali, nisi pro iusta causa abinde
 4 amotus esset. Et pro meliore Execucione Voluntatis et Concessionis nostre in hac parte ASSIGNAVIMVS nominauimus Creauimus Constituimus et Fecimus ac per presentes pro nobis Heredibus et Successoribus nostris Assignamus Nominamus Creamus Constituimus et Facimus Dilectum nobis Thomam Johnson seniore fore et esse primum et modernum Maiorem Ville predictæ, Volentes quod dictus Thomas Johnson in Officio Maioratis Ville predictæ erit et continuabit a dato presentium usque Festum Sancti Luce proxime sequentem et exinde quousque aliquis alius Burgensis Ville predictæ ad Officium illud debito modo electus prefectus et Juratus fuerit, iuxta Ordinaciones et Prouisiones in predicta Charta per presentes Confirmatas et Ratificatas. ASSIGNAVIMVS etiam Nominauimus Creauimus et Constituimus ac pro Nobis Heredibus et Successoribus nostris Assignamus Nominamus Creamus et Constituimus Dilectos nobis Ricardum Norris et Leuinum Hewston fore et esse duos primos et modernos Balliuos Ville predictæ continuandos in eisdem Officijs usque predictum Festum Sancti Luce proxime sequentem post datum presentium et exinde quousque duo aliqui alij de Burgensibus Ville predictæ ad Officia illa debito modo electi prefecti et Jurati fuerint, iuxta Ordinaciones et Prouisiones in predicta Charta per presentes Confirmatas et Ratificatas. Et Assignauimus Nominauimus Constituimus et Fecimus ac per presentes pro nobis Heredibus et Successoribus nostris Assignamus Nominamus Constituimus et Facimus Dilectum nobis Johannem Entwisle Armigerum fore et esse primum et modernum Recordatorem Ville predictæ continuan-

dum in eodem Officio quamdiu se bene gesserit. Et Assignauimus Nominauimus Constituimus et Fecimus ac per presentes pro nobis Heredibus et Successoribus nostris Assignamus Nominamus Constituimus et Facimus Dilectos nobis Jasperum Maudit Armigerum, Gulielmum Williamson, Ricardum Windle, Robertum Seacombe et Thomam Tyror fore et esse primos et modernos Aldermannos Ville predicte continuandos in eisdem Officijs, durantibus uitis suis naturalibus, nisi interim aliquis siue aliqui eorum rationabili et iusta de Causa amoueri per Maiorem Balliuos et Commune Consilium Ville predicte pro tempore existente uel maiorem partem eorundem acciderit siue acciderint. Et Assignauimus Nominauimus Constituimus et Fecimus et per presentes pro nobis Heredibus et Successoribus nostris Assignamus Nominamus Constituimus et Facimus prefatos Thomam Johnson seniore, Ricardum Norris, Leuinum Hewston, Johannem Entwisle et Dilectos nobis Radulphum Ashton Baronettum et Thomam Norris Armigerum et dictos Jasper Maudit, Gulielmum Williamson, Ricardum Windle, Robertum Seacombe, Thomam Tyror et Dilectos nobis Johannem Sandiford, Gulielmum Trauers, Gulielmum Preeson, Thomam Sweeting, Josephum Prior, Johannem Trauerse, Johannem Amery, Rogerum Richardson, Georgium Tayler, Johannem Cleueland, Gulielmum Hurst, Jacobum Townsend, Johannem Gamon, Gulielmum Lloyd, Johannem Crowther, Johannem Crane, Johannem Coxshutt, Johannem Lady, Josephum Briggs, Gulielmum Rollins, Thomam Johnson Juniorem, Thomam Allinson, Thomam Bricksted, Adam Bury, Carolum Diggles, Cuthbert Sharplesse, Johannem Thomas, Robertum Sheilds, Ricardum Jones et Ricardum Lurting fore et esse primos et mdeornos Communes Consiliarios Ville predicte, ad continuandos in Officio Communis Consiliarij Ville predicte quamdiu se bene gesserint, nisi aliquis siue aliqui eorum rationabili de Causa amoueri per Maiorem Balliuos et Commune

- Consilium Ville predicte seu maiorem partem eorundem pro tempore existente acciderit siue acciderint. Et Assignauimus Nominauimus Constituimus et Fecimus ac per presentes pro nobis Heredibus et Successoribus nostris Assignamus Nominamus Constituimus et Facimus prefatum Johannem Sandiford fore et esse primum et modernum Commune Clericum Ville predicte continuandum In¹ eodem Officio quamdiu se bene gesserit, nisi pro rationabili causa acciderit prefatum Johannem Sandiford amoueri per Maiorem Balliuos et Commune Consilium Ville predicte uel maiorem partem eorundem pro tempore existente.
- 5 Et VLTERIVS Volumus ac per presentes pro nobis Heredibus et Successoribus nostris Concedimus prefatis Maiori Balliuis et Burgensibus Ville predicte et Successoribus suis Quod Maior Balliui et Burgenses Ville predicte pro tempore existente uel aliqui Viginti et quinque eorum assemblati (quorum Maiorem et alterum Balliuorum Ville predicte pro tempore existente duos esse Volumus) sint erunt et existent Commune Consilium Ville predicte, et in huius modi Communi Consilio ea omnia facere ordinare exequi et performare ualeant et possint in tam amplis modo et forma prout omnes Quadraginta et unus Consiliarij Ville predicte in Communi Consilio presentes et assemblati facere ordinare exequi seu performare ualeant et possint. Et
- 6 VLTERIVS Volumus ac per presentes pro Nobis Heredibus et Successoribus nostris Concedimus prefatis Maiori Balliuis et Burgensibus Ville predicte et Successoribus suis quod Maior Ville predicte per presentes nominatus durante tempore Continuacionis sue in Officio Maioris Ville illius et quilibet alius Maior Ville predicte pro tempore existente pro et durante tempore Continuationis sue in Officio illo respectiue et quilibet ultimus Predecessor cuiuslibet huiusmodi Maioris per spatium unius Anni ab et post exitum et decessum suum ab Officio Maioris eiusdem Ville respectiue et senior Aldermannus Ville

1. The fifth sheet begins with this word.

- predicte pro tempore existente et Recordator per presentes nominatus et constitutus et Recordator Ville predicte pro tempore existente sint et erint et eorum quilibet sit et erit Justiciarij nostri ad Pacem infra Villam predictam Libertates et precincta eiusdem conseruandam ac Heredum et Successorum nostrorum. 7 VOLVMVS insuper et per presentes firmiter precipimus quod Maior Balliui Recordator et Communis Clericus per presentes nominati et constituti, antequam ad Executionem Officiorum suorum respectiue admittantur seu eorum aliquis admittatur, separabilia Sacramenta Corporalia Officia sua respectiue tangentia bene et fideliter exequenda prestabunt et eorum quilibet prestabit coram prefatis Radulpho Ashton, Thoma Norris et Jaspero Maudit, aut aliquibus duobus eorum ; quibus aut aliquibus duobus eorum huiusmodi Sacramenta prefatis Maiori Balliuis, Recordatori et Communi Clerico respectiue dandi et administrandi plenam potestatem et auctoritatem Damus et Concedimus per presentes. VOLVMVS etiam ac per presentes firmiter precipimus quod Communes Consiliarij per presentes nominati et constituti, antequam ad executionem Officiorum suorum respectiue admittantur seu eorum aliquis admittatur, separabilia Sacramenta Corporalia Officia sua respectiue tangentia bene et fideliter exequenda prestabunt et eorum quilibet prestabit coram Maiore Balliuis et Recordatore per presentes nominatis et constitutis aut aliquibus duobus eorum ; quibus aut aliquibus duobus eorum huiusmodi Sacramenta Communibus Consiliarijs predictis dandi et administrandi plenam potestatem et auctoritatem Damus et Concedimus 8 per presentes. ET VLTERIVS Volumus et per presentes Ordinamus et Constituimus quod Maior et Recordator per presentes nominati et constituti et senior Aldermannus Ville predicte preantea nominatus, antequam ipsi ad executionem Officij Justiciarij Pacis infra Villam predictam admittantur seu eorum aliquis admittatur, sacramentum suum Corporale super Sacrosanctum

Dei Euangelium ad Officium Justiciarij Pacis infra eandem Villam in omnibus et per omnia Officia illa tangentia bene et fideliter exequendum, necnon Juramenta in ea parte per Leges et Statuta huius Regni nostri Anglië prouisa pro Justiciarijs Pacis prestari requisita coram prefatis Radulpho Ashton, Thoma Norris et Jasper Maudit aut aliquibus duobus eorum prestabunt et eorum quilibet prestabit ; quibus quidem Radulpho Ashton, Thome Norris et Jasper Maudit aut aliquibus duobus eorum huiusmodi Sacramenta et Juramenta dandi et administrandi plenam potestatem et auctoritatem Damus et Concedimus per presentes. Volvmvs insuper et per presentes pro nobis Heredibus et Successoribus nostris firmiter iniungentes precipimus et Mandamus quod Maior Recordator et senior Aldermannus et ultimus Predecessor cuiuslibet Maioris Ville predictæ pro tempore existente, qui uirtute presencium imposterum erunt Justiciarij Pacis infra Villam predictam, antequam ad executionem Officij Justiciarij Pacis infra Villam predictam admittantur seu eorum aliquis admittatur, Sacramentum Corporale super sanctum Dei Euangelium ad Officium Justiciarij Pacis infra eandem Villam in omnibus et per omnia Officia illa tangentia bene et fideliter exequendum, necnon Juramenta in ea parte per Leges et Statuta huius Regni nostri Anglië prouisa pro Justiciarijs Pacis prestari requisita coram Balliuis et Aldermannis Ville predictæ pro tempore existente aut aliquibus tribus eorum prestabunt et eorum quilibet prestabit ; Quibus quidem Balliuis et Aldermannis Ville predictæ pro tempore existente et aliquibus tribus eorum ad Sacramenta et Juramenta predicta in forma predicta de tempore in tempus danda et administranda plenam potestatem et auctoritatem pro nobis Heredibus et Successoribus nostris Damus et

9 Concedimus per presentes. Et vltterivs Volumus ac per presentes pro nobis Heredibus et Successoribus nostris Concedimus Maiori Balliuis et Burgensibus Ville predictæ et Successoribus suis quod Commune Consilium assemblatum uel maior pars

eorum plenam potestatem et auctoritatem habeant et habebunt eligendi et nominandi, et quod eligere et nominare possint, ad aliquod tempus infra unum mensem post datum presentium duos de liberis Burgensibus Ville predicte, qui erunt et uocabuntur Subballiui Ville predicte et continuabunt in dicto Officio usque ad Festum Sancti Luce proxime sequentem datum presentium. Et ulterius quod in dicto Festo Sancti Luce proxime sequente et deinde annuatim et quolibet Anno imperpetuum in Festo Sancti Luce Commune Consilium eiusdem Ville assemblatum uel maior pars eorum potestatem et auctoritatem habeant et habebunt eligendi et nominandi, et quod eligere et nominare possint, duos de liberis Burgensibus Ville predicte, qui erunt Subballiui Ville predicte pro uno Anno integro tunc proxime sequente. Qui quidem Subballiui, sic imposterum ut prefertur eligendi, erunt Assistentes et Auxilantes Balliuis Ville predicte pro tempore existente in omnibus et per omnia Officia sua Balliuorum respect-

10 iue tangencia seu concernentia : quodque illi, postquam sic ut prefertur electi et nominati fuerint in Officium Subballiuorum Ville predicte, antequam ad Officium illud exequendum admittantur, Sacramenta Corporalia coram Maiore et Aldermannis Ville predicte pro tempore existente uel tot eorum qui tunc interfuerint, ad Officium illud recte bene et fideliter exequendum in omnibus Officium illud tangentibus prestabunt. Et quod, post huiusmodi Sacramenta sic prestita, tales liberi Burgenses quales uirtute presentium ad Officium Subballiuorum Ville predicte infra unum Mensem post datum presentium electi erunt Officium illud usque ad Festum sancti Luce proxime sequentem datum presentium exequi ualeant et possint ; necnon tales liberi Burgenses qui in Festo Sancti Luce proxime sequente datum presentium et deinde annuatim in predicto Festo ad Officium Subballiuorum Ville predicte electi erunt, Officium illud pro uno Anno integro extunc proxime sequente exequi ualeant et possint, nisi interim pro male se gerendis aut pro aliqua alia causa

- rationabili per Maiorem et Commune Concilium Ville predicte aut maiorem partem eorundem in Communi Concilio assemblatam amoti sint uel alter eorum amotus sit. Et si contigerit Subballiuos Ville predicte uel eorum alterum pro tempore existente infra unum Annum postquam ad Officium Subballiui aut Subballiuorum Ville predicte sic ut prefertur electi et Jurati fuerint uel fuerit obire aut ab Officio illo amoueri, quod tunc et toties bene liceat et licebit prefato Maiori et Communi Concilio Ville predicte pro tempore existente aut maiori parti eorundem in Communi Consilio assemblate unum alium uel duos alios de liberis Burgensibus Ville predicte Subballiuum uel Subballiuos Ville predicte eligere et perficere. Et quod ille siue illi Officium illud habeat et exerceat, habeant et exerceant, durante residuo eiusdem Anni, Sacramentis Corporalibus in forma predicta
- 11 prius prestitis; et sic toties quoties casus sic acciderit. Et PRETEREA VOLVMVS pro meliore regimine et Gubernacione Populi nostri Ville predicte ne quis defectus in Justicia exhibenda fore contigerit in absentia Maioris Ville predicte ac per presentes pro Nobis Heredibus et Successoribus nostris Concedimus prefatis Maiori Balliuis et Burgensibus Ville predicte et Successoribus suis. Quod¹ de cetero Maior eiusdem Ville pro tempore existente habeat et in omnibus futuris temporibus habebit plenam potestatem et Authoritatem deputandi et Constituendi aliquem Vnum alium liberum Burgensem Ville illius ad Officium Maioris et omnia Officio illo spectantia bene et fideliter Exequendum in absentia uel Egritudine ipsius Maioris; Ac etiam dandi et administrandi Juramentum eidem libero Burgensi sic Deputato pro bona et debita Execucione et performance eiusdem Officij durante absentia uel egritudine Maioris Ville predicte; et sic toties quoties casus sic acciderit.
- 12 ET VLTERIVS VOLVMVS ac per presentes pro Nobis Heredibus et Successoribus nostris Concedimus Maiori Balliuis et Burgensibus

1. The sixth sheet begins with this word.

- Ville predicte et Successoribus suis quod quandocunque acciderit aliquem Maiorem Recordatorem Communem Clericum aut aliquem uel aliquos de Balliuis uel de Communi Concilio Ville predicte pro tempore existente obire seu ab Officio suo uel ab Officiis suis amoueri uel decedere, siue stare recusare, Quod tunc et in quolibet tali casu alia idonea persona uel alie idonee persone de tempore in tempus ad et in Officio illius uel ad et in Officijs illorum sic amotorum uel obeuntium siue stare recusantium eligetur Jurabitur et Constituetur, Eligentur Jurabuntur et Constituentur per tales personas in tali modo tempore et forma prout in ea parte assuetum et Consuetum fuit ante Confectionem cuiusdam Charte siue Litterarum Patentium Concessarum Maiori Balliuis et Burgensibus Ville predicte gerentium datum decimo Octauo die Julij Anno Regni nuper Regis Caroli secundi Vicesimo Nono, et Officium siue Officia, locum siue loca, ad quod uel que sic Electus et Juratus fuerit, Electi et Jurati fuerint, Exercebit et Exercebunt pro tali tempore et temporibus et abinde amotus erit uel amoti erunt in tali modo quale in huiusmodi casibus in ea parte assuetum et Consuetum fuit ante dictum decimum Octauum diem Julij Anno Regni dicti nuper Regis
- 13 Caroli secundo Vicesimo Nono. ET VLTERIVS VOLVMVS ac per presentes pro nobis Heredibus et Successoribus nostris Concedimus Maiori Balliuis et Burgensibus Ville predicte et Successoribus suis quod Maior Balliui et Burgenses Ville predicte et Successores sui de cetero imperpetuis futuris temporibus habeant et habebunt Gladium et plenam Potestatem et authoritatem pre Maiorem Ville predicte pro tempore existente huiusmodi Gladium ferendi. ET VLTERIVS VOLVMVS ac per presentes pro nobis Heredibus et Successoribus nostris Concedimus Communi Concilio Ville predicte pro tempore existente in Concilio assemblato uel maiori parti eorundem (quorum Maiorem et unum Balliuorum uille predicte pro tempore existente duos esse Volumus) plenam Potestatem et Authoritatem de tempore in tempus Eligendi et nomin-

andi, Et quod Eligere et nominare Valeant et possint unum probum Virum infra Villam predictam fore et esse portatorem Gladij, Anglice Sword-bearer. Et quod Ille qui sic ut prefertur de tempore in tempus Electus et nominatus erit ad predictum Officium Portatoris Gladij erit et Continuabit in predicto Officio durante Beneplacito Communis Concilij Ville predictæ pro tempore existente uel maioris partis eorundem, quorum Maiorem et unum Balliuorum Ville predictæ pro tempore existente

14 duos esse uolumus. ET ULTERIUS de uberiore gratia nostra speciali ac ex certa scientia et mero motu nostris Dedimus Concessimus Restituimus Confirmauimus approbauimus et ratificauimus ac per presentes pro nobis Heredibus et Successoribus nostris damus Concedimus Restituimus Confirmamus approbamus et ratificamus predictis Maiori Balliuis et Burgensibus de Liuerpoole predicti et Successoribus suis omnia et omnimoda Maneria Messuagia Molendina Redditus Terras Tenementa Decimas Prata Pascua Pasturas Communias fferias Nundinas et tot tanta talia eadem et huiusmodi Potestates Prescripciones Libertates Priuilegia franchises Immunitates Jurisdicciones Chartas Literas Patentes Litteras Patentes Incorporacionis Consuetudines proficua Officiarios Exempciones Quietancias Vasta Vacua ffrunda Commoditates Emolumenta Bona Catalla et Hereditamenta quecunque quot quanta qualia et que per dictas Litteras Patentes gerentes datum dicto Quarto die Julij Anno Regni dicti nuper Regis Caroli primi secundo Concessa et Confirmata fuerunt uel mencionata fore Concessa et Confirmata, aut per aliquas alias Litteras Patentes Concessa seu mencionata fore Concessa aut Confirmata Maiori Balliuis et Burgensibus Ville predictæ siue quas Maior Balliui et Burgenses predicti uel predecessores sui per quodcunque nomen seu quecunque nomina Incorporacionis ante dictum decimum Octauum diem Julij Anno Regni dicti nuper Regis Caroli secundi Vicesimo nono

habuerunt tenuerunt usi uel gauisi fuerunt aut occupauerunt
 aut habere tenere uti uel gaudere debuerunt aut potuerunt sibi
 et Successoribus suis, ratione seu pretexto dictarum separabilium
 Litterarum Patentium uel earum aliquarum uel alicujus, uel
 aliarum Chartarum Concessionum aut Litterarum Patentium
 quarumcunque per aliquem Progenitorum uel Antecessorum
 nostrorum nuper Regum uel Reginarum Anglie quoquomodo
 factarum Concessarum seu Confirmatarum ante dictum decimum
 Octauum diem Julij Anno Regni dicti nuper Regis Caroli secundi
 Vicesimo nono, aut quocunque alio legali modo Jure siue Titulo
 Consuetudine usu siue prescripcione ante datum presentium
 legitime usitatis habitis Consuetis siue gauisis. DENIQUE VOLVMVS
 et per presentes pro nobis Heredibus et Successoribus nostris
 Concedimus prefatis Maiori Balliuis et Burgensibus Ville predicte
 et Successoribus suis quod habeant et habebunt has Litteras
 nostras Patentes tam sub magno Sigillo nostro Anglie, quam
 sub Sigillis Comitatus Palatini nostri Lancastrie et Ducatus nostri
 15 Lancastrie debito modo factas et sigillatas. IN CVIVS REI
 Testimonium has Litteras nostras fieri fecimus Patentes. TESTI-
 BVVS Thoma Archiepiscopo Cantuariense et ceteris Custodibus
 et Justiciarijs Regni apud Westmonasterium Vicesimo sexto
 die Septembris Anno Regni nostri Septimo

Per breue de priuato sigillo

PICOTT.

Pro fine in Hanaperio
 uiginti Marcas
 J. Somers, C.S.¹

- 1 William III by the grace of God, King of England, Scotland, France and Ireland, defender of the faith etc. To all to whom these our present letters shall come, greeting. We have inspected certain Letters Patent under the Great Seal of England bearing date at Westminster the fourth day of July, in the second year of the reign of our dearest grandfather Charles I, late King of England etc, made and granted to the Mayor, Bailiffs and Burgesses of the town of Liverpool in the County Palatine of

1. In a different hand.

- Lancaster in these words. [*Then follows Charles I's Charter.*] And we holding firm and pleasing all and every the aforesaid franchises, liberties, privileges, quittances, immunities, grants, confirmations, do, as far as in us lies, accept, approve and ratify them for us, our heirs and successors; and we, by the tenor of these presents, grant and confirm all and every the aforesaid franchises, liberties, privileges, quittances and immunities to our beloved Mayor and Bailiffs named below in these presents, and to the Mayor, Bailiffs and Burgesses of the aforesaid town and their successors, as the aforesaid Charters or Letters Patent reasonably testify, and as the same Mayor, Bailiffs and Burgesses of the same town of Liverpool or their predecessors ever could or ought to use and enjoy the aforesaid franchises, liberties, privileges, quittances, and immunities, although the said Mayor, Bailiffs and Burgesses of the same town or their predecessors have abused or not used the aforesaid franchises, liberties, privileges, quittances and immunities, or one or more thereof. And whereas it has been given us to understand that a few of the Burgesses of the aforesaid town, by a combination among themselves, without the consent of the greater part of the Burgesses of the said town, and without the surrender of the above recited Charter, or any judgment in Quo Warranto or otherwise given against it, procured a new charter to be granted to the aforesaid town under the seal of the County Palatine of Lancaster, bearing date the eighth day of July in the twenty-ninth year of the reign of the late lord King Charles the Second, in which divers material changes were designed to be made in the government of the aforesaid town, and these changes have caused many differences and doubts concerning the liberties, franchises and customs of the aforesaid town, and also concerning the election and continuance of the Mayor and divers other officers of the same town;
- 2
 - 3 Know ye now that we, graciously desiring the peace, tranquillity and good government of the said town and of the Burgesses and inhabitants thereof, and intending to remove all those differences and doubts in that behalf, of our special grace and from our certain knowledge and mere motion will, and by these presents for us, our heirs and successors, constitute, grant and declare that from henceforth for ever there may and shall be the following officers and ministers viz, forty-one honest and discreet men of the Burgesses of the aforesaid town who shall be and shall be called the Common Council of the aforesaid town; and from these forty-one there may be one honest and discreet man who shall be and shall be called the Mayor of the aforesaid town; and two honest and discreet men who shall be and shall be called the Bailiffs of the aforesaid town; and also there may and shall be, within the aforesaid town, one honest and discreet man, learned in the laws of England, who shall be and shall be called the Recorder of the aforesaid town; and one honest and discreet man who shall be and shall be called the Common Clerk of the aforesaid town. And that each person who shall hold the office of Mayor of the aforesaid town shall immediately after the assumption

4 of the said office be and be called an Alderman of the aforesaid town during his natural life, unless he should be thence removed for a just cause. And for the better execution of our will and grant in this respect, we have assigned, nominated, created, constituted and made, and by these presents for us, our heirs and successors, do assign, nominate, create, constitute and make our beloved Thomas Johnson, senior, to be the first and modern Mayor of the aforesaid town, willing that the said Thomas Johnson shall be and continue in the office of Mayoralty of the aforesaid town from the date of these presents until the feast of St. Luke next following and thenceforth until some other Burgess of the aforesaid town shall be duly elected, appointed and sworn to that office according to the ordinances and provisions in the aforesaid Charter, confirmed and ratified by these presents. Also we have assigned, nominated, created and constituted, and for us, our heirs and successors, do assign, nominate, create and constitute our beloved Richard Norris and Levinus Hewston to be the two first and modern Bailiffs of the aforesaid town to continue in the same offices until the aforesaid feast of St. Luke next following after the date of these presents, and thenceforth until two others of the Burgesses of the aforesaid town shall be duly elected, appointed and sworn to those offices according to the ordinances and provisions in the aforesaid Charter, confirmed and ratified by these presents. And we have assigned, nominated, constituted and made, and by these presents for us, our heirs and successors, do assign, nominate, constitute and make our beloved John Entwisle Esq. to be the first and modern Recorder of the aforesaid town to continue in the same office during good conduct. And we have assigned, nominated, constituted and made, and by these presents for us, our heirs and successors assign, nominate, constitute, and make our beloved Jasper Maudit Esq. James Williamson, Richard Windle, Robert Seacombe and Thomas Tyror to be the first and modern Aldermen of the aforesaid town to continue in the same offices during their natural lives, unless meanwhile one or more of them happen to be removed for some reasonable and just cause by the Mayor, Bailiffs and Common Council of the aforesaid town for the time being, or the greater part thereof. And we have assigned, nominated, constituted and made, and by these presents for us, our heirs and successors, do assign, nominate, constitute and make the aforementioned Thomas Johnson, senior, Richard Norris, Levinus Hewston, John Entwisle, and our beloved Ralph Ashton Baronet and Thomas Norris Esq and the said Jasper Maudit, James Williamson, Richard Windle, Robert Seacombe, Thomas Tyror and our beloved John Sandiford, William Travers, William Preeson, Thomas Sweeting, Joseph Prior, John Traverse, John Amery, Roger Richardson, George Tayler, John Cleveland, William Hurst, James Townsend, John Gamon, William Lloyd, John Crowther, John Crane, John Coxshutt, John Lady, Joseph Briggs, William Rollins, Thomas Johnson, junior, Thomas Allinson, Thomas Bricksted, Adam Bury, Charles Diggles, Cuthbert Sharplesse, John Thomas, Robert Sheilds, Richard Jones and Richard

Lurting to be the first and modern Common Councillors of the aforesaid town to continue in the office of Common Councillor of the aforesaid town during good conduct, unless one or more of them happen to be removed for some reasonable cause by the Mayor, Bailiffs and Common Council of the aforesaid town for the time being, or the greater part thereof. And we have assigned, nominated, constituted and made, and by these presents for us, our heirs and successors, do assign, nominate, constitute and make the aforementioned John Sandiford to be the first and modern Common Clerk of the aforesaid town to continue in the same office during good conduct, unless the aforementioned John Sandiford happen to be removed for some reasonable cause by the Mayor, Bailiffs and Common Council of the aforesaid town for the time being or the greater part thereof.

- 5 And moreover we will and by these presents for us, our heirs and successors we grant to the aforementioned Mayor, Bailiffs and Burgesses of the aforesaid town and their successors, that the Mayor, Bailiffs and Burgesses of the aforesaid town for the time being, or any twenty-five of them assembled, (of whom we will that the Mayor and one of the Bailiffs of the aforesaid town for the time being be two) may and shall be and may exist as a Common Council of the aforesaid town, and in this kind of Common Council may and can do, ordain, execute and perform all things in as ample manner and form as all the forty-one Councillors of the aforesaid town, present and assembled in the Common Council,
- 6 may and can do, ordain, execute or perform. And moreover we will and by these presents for us, our heirs and successors we grant to the aforementioned Mayor, Bailiffs and Burgesses of the aforesaid town and their successors that the Mayor of the aforesaid town nominated by these presents, during the time of his continuance in the office of Mayor of that town, and every other Mayor of the aforesaid town for the time being for and during the time of his continuance in that office respectively, and every last predecessor of every such Mayor for the space of one year from and after his issuing and departure from the office of Mayor of the same town respectively, and the senior Alderman of the aforesaid town for the time being, and the Recorder nominated and constituted by these presents, and the Recorder of the aforesaid town for the time being, may and shall be, and each of them may and shall be, justices of us, our heirs and successors, to keep the peace within the aforesaid town and the liberties and precincts thereof.
- 7 Moreover we will and by these presents we firmly command, that the Mayor, Bailiffs, Recorder and Common Clerk, nominated and constituted by these presents, before they are or any of them is admitted to the execution of their offices respectively, shall severally take their corporal oaths to execute well and faithfully what relates to their offices respectively, before the aforementioned Ralph Ashton, Thomas Norris and Jasper Maudit, or any two of them: and to them, or any two of them, we give and grant by these presents full power and authority of giving and administering such oaths to the aforementioned Mayor, Bailiffs, Recorder

and Common Clerk respectively. Also we will and by these presents we firmly command that the Common Councillors nominated and constituted by these presents, before they are or any of them is admitted to the execution of their offices respectively, shall severally take their corporal oaths to execute well and faithfully what relates to their offices respectively, before the Mayor, Bailiffs and Recorder nominated and constituted by these presents, or any two of them : and to them, or any two of them, we give and grant by these presents full power and authority of giving and administering such oaths to the aforesaid Common Councillors. And moreover we will and by these presents we ordain and constitute that the Mayor and Recorder nominated and constituted by these presents, and the senior Alderman of the aforesaid town before nominated, before they are or any of them is admitted to the execution of the office of Justice of the Peace within the aforesaid town, shall take their corporal oaths upon the Holy Gospel of God, to execute well and faithfully the office of Justice of the Peace within the same town in and for all things touching that office, and also the oaths required to be taken in that behalf, provided for the Justices of the Peace by the laws and statutes of this our realm of England, before the aforesaid Ralph Ashton, Thomas Norris and Jasper Maudit or any two of them : and to the same Ralph Ashton, Thomas Norris and Jasper Maudit, or any two of them, we give and grant by these presents full power and authority of giving and administering such oaths and obligations. Moreover we will and by these presents for us, our heirs and successors, firmly enjoining we order and command that the Mayor, Recorder, and senior Alderman, and the last predecessor of every Mayor of the aforesaid town for the time being, who by virtue of these presents shall be hereafter Justices of the Peace within the aforesaid town, before they are or any of them is admitted to the execution of the office of Justice of the Peace within the aforesaid town, shall take their corporal oath upon the Holy Gospel of God to execute well and faithfully the office of Justice of the Peace within the same town in and for all things touching that office, and also the oaths required to be taken in that behalf provided for the Justices of the Peace by the laws and statutes of this our realm of England, before the Bailiffs and Aldermen of the aforesaid town for the time being, or any three of them : and to the same Bailiffs and Aldermen of the aforesaid town for the time being, and any three of them, we give and grant by these presents for us, our heirs and successors, full power and authority of giving and administering from time to time the aforesaid oaths in the aforesaid form. And moreover we will and by these presents for us, our heirs and successors, we grant to the Mayor, Bailiffs and Burgesses of the aforesaid town and their successors that the Common Council assembled, or the greater part thereof, may and shall have full power and authority of electing and nominating, and can elect and nominate, at any time within one month after the date of these presents, two of the Free Burgesses of the aforesaid town, who shall be and shall be called Sub-Bailiffs of the

aforesaid town, and shall continue in the said office until the feast of St. Luke next following the date of these presents. And moreover that on the said feast of St. Luke next following and thence yearly and every year for ever on the feast of St. Luke, the Common Council of the same town assembled, or the greater part thereof, may and shall have power and authority of electing and nominating, and can elect and nominate, two of the Free Burgesses of the aforesaid town who shall be Sub-Bailiffs of the aforesaid town for one whole year then next following. And these Sub-Bailiffs so to be elected afterwards, as is aforesaid, shall be assistants and helpers to the Bailiffs of the aforesaid town for the time being in and for all things touching or concerning their office of Bailiffs respectively:

10 and that they, after they have been elected and nominated, as is aforesaid, to the office of Sub-Bailiffs of the aforesaid town, before they are admitted to execute that office shall take their corporal oath justly, well and faithfully to execute that office in all things touching that office, before the Mayor and Aldermen of the aforesaid town for the time being, or as many of them as shall then be present. And that after such oaths so taken, such Free Burgesses, as by virtue of these presents shall be elected to the office of Sub-Bailiffs of the aforesaid town within one month after the date of these presents, may and can execute that office until the feast of St. Luke next following the date of these presents: and also such Free Burgesses as shall be elected to the office of Sub-Bailiffs of the aforesaid town on the feast of St. Luke next following the date of these presents, and thence yearly on the aforesaid feast, may and can execute that office for one whole year then next following, unless meanwhile they or one of them may be removed for misbehaviour or for any other reasonable cause by the Mayor and Common Council of the aforesaid town, or the greater part of them in Common Council assembled. And if it shall happen that the Sub-Bailiffs of the aforesaid town or one of them for the time being, die or be removed from that office within one year after they have or he has been elected and sworn to the office of Sub-Bailiff or Sub-Bailiffs as is aforesaid, that then and so often it may and shall be lawful for the aforesaid Mayor and Common Council of the aforesaid town for the time being, or the greater part thereof in Common Council assembled, to elect and appoint one or two others of the free Burgesses of the aforesaid town as Sub-Bailiff or Sub-Bailiffs of the aforesaid town, and that he or they may have and execute that office during the remainder of the same year, having first taken their corporal oaths in the aforesaid form, and so as often as the case

11 shall happen. And moreover we will, for the better rule and government of our people of the aforesaid town, lest in the absence of the Mayor of the aforesaid town there should happen to be any defect in showing justice, and by these presents for us our heirs and successors we grant to the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid town and their successors that henceforth the Mayor of the same town for the time being may have and at all future times shall have full power and authority of

deputing and constituting any other free Burgess of that town to execute well and faithfully the office of Mayor and all things touching that office in the absence or sickness of the same Mayor, and also of giving and administering an oath to the same free Burgess so deputed for the good and due execution and performance of the same office during the absence or sickness of the Mayor of the aforesaid town, and so as often as the case shall happen.

- 12 And moreover we will, and by these presents for us, our heirs and successors we grant to the Mayor, Bailiffs and Burgesses of the aforesaid town and their successors, that whenever it shall happen any Mayor, Recorder, Common Clerk, or one or more of the Bailiffs or of the Common Council of the aforesaid town for the time being, die or be removed from his office or offices, or depart or refuse to serve, that then and in every such case another or other suitable person or persons shall be from time to time elected, sworn and constituted to and in the office of him or the offices of those thus removed or dying or refusing to serve, by such persons in such manner, time and form as has been wont and accustomed in that respect before the making of a certain Charter or Letters Patent granted to the Mayor, Bailiffs and Burgesses of the aforesaid town, bearing date the eighteenth day of July in the twenty-ninth year of the reign of the late King Charles the Second; and he and they shall exercise the office or offices, place or places, to which he or they shall be thus elected and sworn, for such time and times, and shall be thence removed in such manner as in such case was wont and accustomed in this respect before the said eighteenth day of July in the twenty-ninth year of the said late King Charles the second.
- 13 And moreover we will, and by these presents for us, our heirs and successors we grant to the Mayor, Bailiffs and Burgesses of the aforesaid town and their successors that the Mayor, Bailiffs, and Burgesses of the aforesaid town and their successors henceforth at all future times may and shall have a sword, and full power and authority of carrying the same sword before the Mayor of the aforesaid town for the time being. And moreover we will, and by these presents for us, our heirs and successors, we grant to the Common Council of the aforesaid town for the time being in Council assembled, or to the greater part thereof (of whom we will that the Mayor and one of the Bailiffs of the aforesaid town for the time being be two) full power and authority from time to time of electing and nominating, and that they may and can elect and nominate one honest man within the aforesaid town to be the bearer of the sword, in English Sword-bearer; and that he who shall be thus elected and nominated from time to time as is aforesaid, to the aforesaid office of Sword-bearer shall be and continue in the aforesaid office during the good pleasure of the Common Council of the aforesaid town for the time being, or the greater part thereof (of whom we will that the Mayor and one of the Bailiffs of the aforesaid town for the time being be two).
- 14 And moreover of our more abundant special favour and from our certain knowledge and mere motion, we have given, granted, restored, confirmed, approved and ratified, and by these presents

for us, our heirs and successors we give, grant, restore, confirm, approve and ratify to the aforesaid Mayor, Bailiffs and Burgesses of Liverpool aforesaid and their successors, all and all manner of manors, messuages, mills, rents, lands, tenements, tithes, meadows, pastures, common pastures, ferries, markets, and so many, so great, such, the same and such like powers, prescriptions, liberties, § privileges, franchises, immunities, [£]jurisdictions, charters, Letters Patent, Letters Patent of incorporation, customs, profits, officers, exemptions, quittances, wastes, waste grounds, farms, commodities, emoluments, goods, chattels and hereditaments as many, as great, such and such like as were granted and confirmed by the said Letters Patent bearing date the said fourth day of July in the second year of the reign of the said late King Charles I, or mentioned to be granted and confirmed, or granted by any other Letters Patent or mentioned to be granted or confirmed to the Mayor, Bailiffs and Burgesses of the aforesaid town, or which the aforesaid Mayor, Bailiffs and Burgesses or their predecessors by any name or names of incorporation have had, held, used or enjoyed or occupied, or ought and could have, hold, use or enjoy, for themselves and their successors before the said eighteenth day of July in the twenty-ninth year of the reign of the said late King Charles II, by reason or force of the said several Letters Patent, or one or more thereof, or of any other Charters, grants, or Letters Patent in any way made, granted or confirmed before the said eighteenth day of July in the twenty-ninth year of the reign of the said late King Charles II, by any of our progenitors or predecessors late Kings or Queens of England, or by any other legal means, right or title, custom, use or prescription lawfully used, had, accustomed or enjoyed before the date of these presents. Lastly we will and by these presents for us, our heirs and successors, we grant to the aforementioned Mayor, Bailiffs and Burgesses of the aforesaid town and their successors that they may and shall have these our Letters Patent duly made and sealed both under our great seal of England and under the seals of our

15 County Palatine of Lancaster and of our Duchy of Lancaster. In witness whereof we have caused these our letters to be made patent. Witnesses : Thomas Archbishop of Canterbury, and the other Guardians and Justices of the realm, at Westminster the twenty-sixth day of September in the seventh year of our reign.

By writ of Privy Seal

For the fine in the Hanaper 20 marks.

PICOTT.

J. SOMERS, C.S.

XIII. SECOND CHARTER OF WILLIAM III

10 June, 1698

Documents relating to attempts to secure a new Charter.

[At a Council, 14 Dec, 1697]. It is this day Order^d in Councell, That Thirty or fourty pounds be layd out at y^e charg of y^e Corporation, to obtaine a p'ticuler additional Charter to constitute y^e May^r for y^e time being, a Justice of Peace for y^e County Palatine of Lancast^r.¹

Description. The original, which is still in the possession of the Corporation, is written on a single sheet of parchment, measuring twenty-two and a half inches deep by twenty-seven and three quarters inches wide, on which is a 40s. stamp. In the initial letter G, in copperplate engraving, is a half length portrait of the King in the robes of the Garter, in an oval. Above the first line of the lettering of the Charter, among bold scroll work, are the Lion and the Unicorn, with birds, a serpent, etc. The margins are ruled with red lines. Part of the membrane has been cut off, with the result that in the head-line only the words *Gulielmus Tertius Dei* with part of the next letter G, of *Gratia*, appear, and the rest of the word *Gratia*, with part of the Unicorn in the engraved scroll-work, is cut off. The writing is clear and large and in no way defaced. Part of the Seal of the County Palatine remains in yellow wax, attached by a pink and white plaited cord. On the obverse is the King on horseback to the right, on the reverse is a shield bearing three lions passant gardant, in pale, and a label of three points,² ensigned with a crown much broken.

Copies and Translations. The Charter is printed and translated in the *Trans. Lanc. and Ches. Hist. Soc.* vol. 36 pp. 123-6; and is abstracted in the same place, p. 80.

Docquet. There is no docquet of this Charter.

ABSTRACT

1. Appointment of the Mayor as J.P. for the County of Lancaster.
2. Oath of the Mayor as J.P. for the County.
3. Witness and date.

1 GVLIELMVS TERTIVS DEI Gratia Anglie Scocie ffrauncie et Hibernie Rex ffidei Defensor etc. OMNIBVS ad quos presentes littere nostre peruenerint Salutem. Cvm dilecti Subditi nostri Maior Balliui et Burgenses Ville nostre de Leuerpoole in Comitatu nostro Palatino Lancastrie Nobis humillime supplicauerint, quod nos eisdem Maiori Balliuis et Burgensibus Gratiam nostram Regiam in Faciendum et Ordinandum presentem Maiorem Ville predictae, ac omnem et quemlibet Maiorem Ville illius pro tempo-

1. *Mun. Rec.*, IV, 782.

2. The label is so worn that it cannot be seen whether or not there be any charges on it.

re existente et imposterum nominandum et eligendum Justiciarium ad pacem nostram Heredum et Successorum nostrorum infra Comitatum nostrum Palatinum predictum Custodiendam et conseruandam, exhibere et extendere Volumus : SCIATIS igitur quod nos de Gratia nostra speciali ac ex certa scientia et mero motu nostris, Volumus, ac per presentes pro Nobis Heredibus et Successoribus nostris DAMVS et concedimus prefatis Maiori Balliuis et Burgensibus Ville nostre de Leuerpoole predictae et successoribus suis, quod presens Maior Ville illius pro tempore existenti, pro et durante tempore continuacionis sue in Officio Maioris uille illius, et quilibet alius Maior Ville illius pro tempore existenti imposterum nominandus et eligendus pro et durante continuacione eorum in Officio illo respectiue sit et erit, sint et erint Justiciarij ad pacem nostram Heredum et Successorum nostrorum in Comitatu nostro Palatino Lancastrie Custodiendam et conseruandam, et omnia alia facienda, exequenda et performanda, que per Justiciarios pacis nostre Heredum et Successorum nostrorum infra eundem Comitatum Palatinum per Leges et Statuta huius Regni nostri Anglie modo edita uel imposterum edenda, fieri, exequi et performari possint uel debent. Ac presentem Maiorem Ville predictae ac omnes et quemlibet Maiorem et Maiores uille illius pro tempore existente imposterum nominandos et eligendos pro et durante tempore continuacionis eorum in Officio illo respectiue Justiciarium et Justiciarios nostros Heredum et Successorum nostrorum ad pacem nostram Heredum et Successorum nostrorum infra Comitatum nostrum Palatinum Lancastrie predictae Custodiendam et conseruandam et ad omnia alia predicta, que per Justiciarios Pacis infra Comitatum illum ut prefertur fieri et exequi possint et debent, facienda et exequenda facimus, ordinamus et constituimus per presentes. ET VLTERIVS uolumus quod quilibet huiusmodi Maior Ville predictae pro tempore existente, antequam ipse ad executionem Officij Justiciarij pacis infra Comitatum nostrum Lancas-

trie admittatur, Sacramentum suum Corporale super Sacrosanctum Dei Euangelium ad Officium illud bene et fideliter exequendum in ea parte per Leges et Statuta huius Regni nostri Anglie prouisam per Justiciarios Pacis prestandum, prestabit coram Recordatore et duobus Senioribus Aldermannis uille predictae, uel aliquibus duobus eorum pro tempore existenti: Quibus quidem Recordatore et duobus Senioribus Aldermannis, uel aliquibus duobus eorum pro tempore existente, ad Sacramenta predicta in forma predicta de tempore in tempus danda et administranda plenam potestatem et auctoritatem Damus et concedimus per presentes. Et VLTERIVS uolumus ac per presentes Injungendo precipimus, pro Nobis Heredibus et Successoribus nostris, quod predictus Maior Ville predictae et Successores sui pro tempore existenti respectiue teneat, utatur et gaudeat, teneant, utantur et gaudeant ac habere, tenere, tenere (*sic*) uti et gaudere ualeat et possit, ualeant et possint, imperpetuum Auctoritatem et Iurisdictionem predictas infra Comitatum nostrum Palatinum predictum secundum tenorem, formam et effectum harum litterarum nostrarum Patentium, sine occasione, molestatione uel impedimento nostro Heredum uel Successorum nostrarum aut ministrorum nostrarum quorumcunque, Heredum aut Successorum nostrarum. NOLENTES quod idem Maior aut Successores sui respectiue, uel eorum aliquis uel aliqui, respectiue ratione premissorum per nos Heredes uel Successores nostros seu Ministros nostros quoscunque Heredum uel Successorum nostrarum, occasionetur, molestetur, uexetur aut in aliquo perturbetur, occasionentur, molestentur, uexentur, uel in aliquo perturbentur quouismodo. In cuius rei Testimonium has litteras nostras fieri fecimus Patentes. TESTE meipso apud Lancastriam Decimo die Junij Anno Regni nostri Decimo.

GERARD.

- 1 William III by the grace of God, King of England, Scotland, France and Ireland, defender of the faith etc To all to whom our present letters shall come, greeting. Whereas our beloved subjects the Mayor, Bailiffs and Burgesses of our town of Liverpool in our County Palatine of Lancaster have most humbly besought us that we would show and extend our royal favour to the same Mayor, Bailiffs and Burgesses in making and ordaining the present Mayor of the aforesaid town, and all and every Mayor of that town for the time being and hereafter to be nominated, and elected a Justice to keep and preserve the peace of us, our heirs and successors within our aforesaid County Palatine; Know ye therefore that we of our special grace and from our certain knowledge and mere motion, will and by these presents for us, our heirs and successors, give and grant to the aforesaid Mayor, Bailiffs and Burgesses of our town of Liverpool aforesaid and their successors that the present Mayor of that town for the time being for and during the time of his continuance in the office of Mayor of that town, and every other Mayor of that town for the time being hereafter to be nominated and elected, for and during their continuance in that office may and shall be respectively Justices to keep and preserve the peace of us, our heirs and successors, in our County Palatine of Lancaster, and to do, execute and perform all other things which can or ought to be done, executed and performed by the Justices of the Peace of us our heirs and successors, within the same County Palatine, by the laws and statutes of this our realm of England now published or hereafter to be published. And by these presents we make, ordain and constitute the present Mayor of the aforesaid town and all and every the Mayor and Mayors of that town for the time being hereafter to be nominated and elected, for and during the time of their continuance in that office respectively a Justice and Justices of us our heirs and successors to keep and preserve the peace of us our heirs and successors, within our aforesaid County Palatine of Lancaster, and to do and execute all the other aforesaid things which can and ought to be done and executed by the Justices of the Peace within that County, as is aforesaid. And moreover we will that every such Mayor of the aforesaid town for the time being before he is admitted to the execution of the office of Justice of the Peace within our County of Lancaster, shall take his corporal oath on the Holy Gospel of God well and faithfully to execute that office, in that behalf provided by the laws and statutes of this our realm of England to be taken by Justices of the Peace, before the Recorder and the two senior Aldermen of the aforesaid town or any two of them for the time being. And to the same Recorder and two senior Aldermen, or any two of them for the time being, we give and grant by these presents full power and authority of giving and administering from time to time the aforesaid oaths in the aforesaid form. And moreover we will and by these presents enjoining we command for us, our heirs and successors that the aforesaid Mayor of the aforesaid town and his successors for the time being respectively hold, use and enjoy,
- 2

and may and can have, hold, use and enjoy for ever the aforesaid authority and jurisdiction within our aforesaid County Palatine, according to the tenor, form and effect of these our Letters Patent without hindrance, molestation or impediment from us, our heirs and successors, or from any ministers of us, our heirs and successors. Not willing that the same Mayor or his successors respectively, or any one or more of them respectively be hindered, molested or vexed or in any way disturbed by reason of these premises by us, our heirs or successors, or by any ministers of us, our heirs
 3 or successors. In witness whereof we have caused these our letters to be made patent. Witness myself at Lancaster, the tenth day of July, in the tenth year of our reign.

GERARD.

XIV. CHARTER OF ANNE

2 June, 1709

Documents relating to attempts to secure a New Charter. Although there was no controversy in the Council about the petitioning for this Charter, there is a set of very interesting entries in the Municipal Records with regard to it.

[*Att a Sp'iall Councell held the ninth Day of December 1708*]. It being propounded By M^r. May^r in Councell That the Inhabitants of this Corporation being Grown very numerous It would be highly necessary to have two Markett Days in A Week It is therefore Order^d and Enacted by this Assembly Nemine Contradicente That S. Thomas Johnson & Rich^d Norris Esq^r O^r Representatives in Parliam^t Be Requested Impower^d and Authoriz^d to Obtain A Pattent from her Maj^{ty} for the Houlding and Haveing A Markett within this Corporation vpon ev^{ry} Wednesday and that the charge thereof be Reimburs^d by the Corporation.¹

Also On Application to the said Earle of Derby being Chancellour of the Dutchy he Readily p^rsented to her Maj^{ty} The Peticon of the Mayor Bayl^s & Burgesses for another Markett Day and obtain^d the same, In order wherevnto A Commission Issued forth of the Dutchy call^d an Ad quod Dampnum which is also entred in this Record next after the Pattent for Prizage with the Jurys verdict and Return thereon. Both which Were brought Down by Ralph Peters Town Clerk from London and A Letter of Thanks Return^d to the said Earle of Derby for the Same and to p^rserve the said flavours of the said Earle in Memory the New Markett to be settled in the late Castle is named Derby Square.²

Copy of the Comission or Dedim p^r Ad Q^d Dampn. Anne by the Grace of God of great Brittain ffraunce and Ireland Queen Defendo^r of the ffaith ec' To our Trusty & well beloved Edward Norris Thomas Cooke Jonathan Case Esq^{rs} Rich^d Richmond Clerk Thomas Willis John Wright James Brettargh Esq^{rs} and Thomas Cobham Gent and to ev^{ry} of them Greeting Whereas our trusty & well beloved the Mayor Bayl^s & Burgesses of our Town of Liverpoole in our County Pallantine of Lancaster on the Behalfe of themselves and the Rest of the Inhabitants of our said Burrough have by their Humble Petic'on vnto vs p^rferred thereby setting forth That there is within the said Town of Liverpoole One Markett Day on Saturday in ev^{ry} Week and that the said Town in Respect of its

1. *Mun. Rec.*, VI, 234. 2. *Mun. Rec.*, VI, 239.

merchandize Seafareing trade & otherwise is and for many years last past hath been greatly improv^d in Buildings and is thereby become very large and populous and that it will not only be of great advantage to the Inhabitants of the said Town to have another Markett Day on Wednesday in ev^{ry} Week and also A ffair for Selling of Cattle ev^{ry} fortnight But likewise Beneficiall to the neighbouring Towns and Countrey thereabouts and of no p^rjudice or inconvenience to any of the Marketts and ffaires within the said County, And therefore humbly Besought vs to grant vnto them another Markett Day to be kept on Wednesday in ev^{ry} Week and also A ffair for Selling of Cattle ev^{ry} fortnight together with such Tolls and p^rquisites as shall be incident thereto We willing to be ascertain^d [*sic*] whether we may without Damage or p^rjudice to ourselfe or any other whatsoever or of the neighbouring Marketts and ffairs Grant to the said Mayor Bayl^s & Burgesses of our said Town of Liverpoole and their Successors such Markett & ffair to be held as is aforesaid with the Tolls and profitts thereof and if it be to the Damage and p^rjudice of vs or any other whatsoever of the neighbouring Marketts & ffairs & how and in what manner Have assigned Constituted authorized impower^d and Appointed And by these p^rsents Doe Assigne constitute authorize Impower and appoint you the said Edward Norris Thomas Cooke Jonathan Case Richard Richmond Thomas Willis John Wright James Brettargh and Thomas Cobham two or more of you (whereof you the said Edward Norris Jonathan Case and Richard Richmond shall be of the Quoru' and One of you of the Quoru' to be p^rsent) att such time and place times and places as to you, two, or more of you as aforesaid shall seem Convenient (By the Oathes of the Good and Lawfull men of our said County by whom the truth of the p^rmisses may be best known) that ye Doe inquire of the truth of all & singular the p^rmisses and all circumstances matters & things touching or concerning the same in any wise And We Doe hereby Will & Comand our Sherriffe of our said County Pallatine that at such Days & times as by you two or more of you as aforesaid shall be to him for that purpose assign^d & appointed he Doe Cause to come before you two or more of you as aforesaid such and so many of the good & Lawfull men of our said County By whom the truth of the p^rmisses may be best known and be also Diligent and attendant & assisting vnto you two or more of you as aforesaid in the hearing & Determining of all & Singular the p^rmisses and the Due Execucon of this our Comission And therevpon of yo^r ffacts Doeings & pceedings herein together with these our Letters & such Inquisicon as shall be taken thereon fair ingross^d in parchm^t vnder the Seals of the Good & Lawfull men of our said County by whom the same shall be found We will & require you, two, or more of you as aforesaid by yo^r Writeings inclosed vnder yo^r Seals to Certify our Chancellor & Councell of our Dutchy of Lancaster in our Dutchy Chamber att our Pallace of Westm^r forthwith not failing hereof as We trust you Given att Westm^r aforesaid vnder the Seale of our sd Dutchy the last Day of february in the seventh yeare of our Reigne

GERARD.

Wherevpon a Jury was Sumon^d Before three of the said Com^{rs} and the Inquisition following taken and Return^d into the Dutchy.

An Inquisicon Indented taken att Lowhill within Westderby in the County Pallatine of Lancaster on Wednesday the Twenty third Day of March in the 8th year of the Reigne of our m^t Gracious Sovereigne Lady Ann by the Grace of God of great Brittain ffraunce & Ireland Queen Defendo^r ec' Before Jonathan Case Esq^r James Brettargh Esq^r and Thomas Cobham Gentl' Three of the Com^{rs} in the Com^{ion} hereto annex^d (amongst others nam^d and appointed and by vertue of the same By and vpon the Oathes of Henry Halsall Gentl' John Whittle gen' Henry Harper Gen' Thomas Syer gen' Rob^t Bootle gen' Richard Rose

gen' John Harper gen' Henry Martin gen' Ralph Mercer gen' Henry Smarley gen' Anthony Molyneux gen' William Rideing gen' John Rose gen' William ffermes gen' Robert Lake gen' John Huyton gen' & William Dukinson gen' good & lawfull men of the said County of Lancaster who being sworn & charged vpon their Oathes Say That it will not be to the Damage or p^rjudice of our said Sovereigne Lady the Queen or any others whatsoever or of any of the neighbouring Marketts or fairs to the Town of Liverpoole in the said County if the said Queens Maj^{ty} shall Grant to the Mayor Bayl^s & Burgesses of the said Town of Liverpoole and their Successors (in the said Com^{ion} named) that they the said Mayor Bayl^s & Burgesses of the s^d Town of Liverpoole & their Successors Have hold and keep within the s^d Town Such Markett (as in the s^d Com^{ion} is also specify^d) on Wednesday in ev^y Week in & through ev^y year for ever hereafter for the Buying & selling of all sorts of goods & Merchandizes whatsoever And also Such ffair within the same (as in the said Com^{ion} is also specify^d) on Wednesday in ev^y fortnight in & throughout ev^y year for ever hereafter for the Buying & Selling of all sorts of Live Cattle whatsoever, together with all manner of lawfull & reasonable Tolls proffitts advantages & Emolum^{ts} whatsoever which to such markett & ffair sha^{ll} be Belonging incident or appertaining to be taken recd & Enjoy^d by them the said Mayor Bayl^s & Burgesses of the s^d Town of Liverpoole & their successors for ever hereafter according to the Tenour of the said Com^{ion} In Witness whereof as well We t^{he} s^d Jonⁿ Case James Brettargh & Tho : Cobham have herevnto sett our hands & seales as the s^d Henry Halsall John Whittle Henry Harper Tho : Syer Rob^t Bootle Rich^d Rose John Harper Henry Martin Ralph Mercer Henry Smarley Anthony Molyneux William Rideing John Rose W^m ffermes Rob^t Lake John Huyton & W^m Dickinson have herevnto affix^d their seales the Day & year abovesaid.¹

Att A speciall Councell held the 7th Day of March 1708. Also upon Reading A Com^{ion} issued forth of the Dutchy of Lancaster empowering certain Com^{rs} to inquire by A Jury what Damage may be to the Queen or her subjects or any the Neighbouring Marketts By granting to the Mayor Bayl^s & Burgesses of this Corporation another Markett Day vpon Wednesday in ev^y Week^s & fortnight ffairs within the Corporation and Granting to them the Tolls & proffitts thereof

It is Order^d That proper Methods Be Taken by M^r Majo^r or whom he appoints for the perfecting thereof & Obtaining a Pattent for the same and also therevpon Order^d That the Thanks of this Corporation Be Return^d to the R^t Honob^{le} James Earl of Derby for these great & signall ffavo^{rs} wherein his L^dpp hath been so instrumentall, By such Methods as M^r Mayor shall think fitt.²

The Pattent for the new Markett being Obtain^d this Month the same being brought Down by Warrington Coachman to Warrington Was fetch^d thence by M^r Bayliffe Wainwright and Ra : Peters and accompany^d into Town by M^r Majo^r & A great number of the Aldⁿ & Gent' of the Town The Streets being Lyn^d by the Honor^{ble} Leivetenn^t Gen^l. all Gorges Regim^t of Soldiers who then Lay att Liverpoole Waiting for A Wind to Embark for Ireland the 16th Day of June 1709 and being read in the Comon Hall is Lodg^d in the Towns Chest and is in the Words following.

[Then follows a Copy of Anne's Charter, with slightly different spelling and abbreviations from the original.]

Description. The original, which is still in the possession of the corporation, is written on a single sheet of parchment measuring twenty-one inches deep by twenty-five and a half inches wide, on which are two 40s. stamps. Within the initial letter A., in

1. *Mun. Rec.*, VI, 242-3. 2. *Mun. Rec.*, VI, 244. 3. *Mun. Rec.*, VI, 253.

copperplate engraving, is a quarter length portrait of the Queen crowned and wearing the collar and George. Above the first line of the lettering of the Charter, also in copperplate engraving, among scroll work are monsters, etc., and in the centre the royal arms, quarterly, first and fourth England impaling Scotland; second France; third Ireland; within the garter and accompanied by the royal crest supporters, etc., and the motto, *semper eadem*. Below the portrait of the Queen are the words: *J. Nutting sculp.* The writing is good but rubbed in places, and the parchment is somewhat discoloured. There are two seals attached. First, the seal of the Duchy in red wax is attached by a red and white plaited cord. The diameter is 3·7 inches. It is kept in a tin box. On the obverse are the arms of the Duchy, three lions passant, gardant, in pale, with a label of three points, a helm bearing a chapeau with a lion passant, gardant, crowned; among the scrolls of the mantlet at either side is an ostrich feather, erect, ermine with a scroll attached to the quill. The legend is [SIGILL ANNAE DEI GRAT ANGL SCO FRA ET HIS REGINAE DE DUCATU SUO LANCAST. There is no reverse. Second, the seal of the County Palatine, in yellow wax, in fine preservation, is attached by red and white plaited cords. The diameter is 4·3 inches. On the obverse is the Queen on horseback moving to the left, holding in the right hand a sword, and in the left the reins; in the field below are ships and buildings in the distance. Behind the figure of the Queen is a Tudor rose crowned. The legend is ANNA · DEI · GRATIA · MAGNAE · BRITANNIE · FRANCIAE · ET · HIBERNIAE · REGINA · FIDEI · DEFENSOR. On the reverse on an ornamental shield are three lions passant gardant in pale and a plain label of three points, ensigned with a royal coronet composed of crosses pattee and fleurs-de-lys alternately with a pearl between each. Below the shield among flowers are two greyhounds collared sejant, addorsed, each supporting an ostrich feather ermine erect, with a scroll attached to the quill. The legend is the same as on the obverse.

Copies and Translations. There is a draft copy in the Record Office to which are appended "*Particulars of the Tolls of the then present Market and Fair, dated 6th May 1709, under the Mayoralty seal, and Also the Chancellor's Report on the Grant.*" There is also a copy in the *Mun. Rec. vol. vi. p. 253*. It is printed and translated in the *Trans. Lanc. and Ches. Hist. Soc. vol. 36, pp. 126-8*, and is abstracted in *do. pp. 80-1*.

Docquet. There is no docquet of this charter.

ABSTRACT

1. Grant of a general weekly Market on Wednesdays.
2. Grant of a fortnightly cattle Market or fair on Wednesdays
3. Witness and date.

I ANNA DEI GRATIA MAGNA (*sic*) Britannie ffrancie et Hibernie Regina, ffidei Defensor, etc, OMNIBVS ad quos presentes Littere nostre Peruenerint Salutem. SCIATIS quod nos Commodum et Melioracionem Ville nostre de Liuerpoole in Comitatu nostro Palatino Lancastrie, Parcelle Ducatus nostri Lancastrie, affectantes, de Gratia nostra Speciali ac ex certa Scientia et mero motu nostris, ac per aduisamentum et consensum Cancellarij

et Concilij Ducatus nostri Lancastrie predicti, DEDIMVS et concessimus ac per presentes pro nobis heredibus et Successoribus nostris Damus et concedimus dilectis et ffidelibus nostris Maiori Balliuis et Burgensibus Ville nostre de Liuerpoole predicta, quod Ipsi et Successores sui Habeant, teneant et Custodiant infra Villam predictam Unum Nouum Mercatum die Mercurij, Singulis Septimanis futuris temporibus duraturis, pro emendo et uendendo omnium et omnimodorum Bonorum, Mercimoniorum et Merchandizarum quorumcunque; Ac etiam unam fferiam siue

2 nundinam infra Villam predictam die Mercurij, in qualibet Secunda Septimana futuris temporibus duraturis, pro Emendo et Vendendo omnium et omnimodorum Aueriorum et Pecudum quorumcunque unacum omnibus et omnimodis Legitimis et racionabilibus Tolnetis, Proficuis, aduantagijs et emolumentis quibuscunque talibus mercato et fferie siue Nundine Spectantibus, Incidentibus uel pertinentibus Percipiendis recipiendis et gaudendis per Ipsos predictos Maiorem Balliuos et Burgenses Ville predictae et Successores suos de tempore in tempus imperpetuum. QVEQVIDEM mercatus et fferia siue nundina per quandam Comissionem e Camera Ducatus nostri Lancastrie apud Westmonasterium in hac parte nuper editam, ac per certam Inquisitionem superinde captam et in Camera predicta retornatam Interque Recorda eiusdem Ducatus ibidem remanentem Constant non Esse ad Damnum siue Nocumentum nostrum uel aliorum quorumcunque aut quorumlibet uicinarum mercatorum seu fferiarum siue nundinarum. QVARE uolumus et firmiter Iniungendo precipimus pro nobis heredibus et successoribus nostris, quod Ipsi predicti Maior Balliui et Burgenses Ville nostre de Liuerpoole predictae et Successores sui dicta mercatum et fferiam siue nundinam infra eandem Villam Libere et quiete habeant, teneant et Custodiant ac Tolneta, Proficua, aduantagia et emolumenta predicta ijsdem et quolibet eorum Legitime spectantibus, incidentibus uel perti-

nentibus percipient, recipient et gaudeant de tempore in tempus imperpetuum. MANDAMVS etiam Vicecomiti Comitatus nostri Palatini Lancastrie predictae ac omnibus Maioribus, Balliuis et Ministris nostris quibuscunque, quorum Interest in hac parte, quod, Visis presentibus in omnibus Locis Idoneis infra Comitatum nostrum Palatinum predictum, tenorem presentium publice et aperte proclamari faciet et facient. MANDANTES Insuper et requirentes omnibus alijs Ligeis nostris quod se et quemlibet eorum secundum tenorem harum Literarum nostrarum Patentium in omnibus, prout decet, gerunt et conformant imperpetuum Contrarium ne inde sese in Intromittentibus, Contradicientibus uel Deducentibus quouismodo. IN CVIVS rei Testimonium has

3 Literas nostras fieri fecimus Patentes. DATVM apud Palatium nostrum Westmonasterium, tam sub Sigillo Ducatus nostri Lancastrie, quam sub Sigillo Comitatus Palatini nostri Lancastrie, secundo die Junij, Anno Regni nostri Octauo.

GERARD.

- 1 Anne, by the grace of God, Queen of Great Britain, France and Ireland, defender of the faith, etc., To all to whom these our present letters shall come, greeting. Know ye that we, desiring the welfare and improvement of our town of Liverpool in our County Palatine of Lancaster, parcel of our Duchy of Lancaster, have, of our special grace, and from our certain knowledge and mere motion, and by the advice and consent of the Chancellor and Council of our Duchy of Lancaster aforesaid, given and granted and by these presents for us our heirs and successors, do give and grant to our beloved and faithful Mayor, Bailiffs and Burgesses of our town of Liverpool aforesaid, that they and their successors may have, hold and keep within the aforesaid town a new market on Wednesday in every week for all future time, for buying and selling all and all kinds of goods, wares and merchandise; and also a fair or market within the aforesaid town
- 2 on Wednesday in every second week for all future time, for buying and selling all and all kinds of sheep and cattle, together with all and every kind of tolls, profits, advantages and emoluments appertaining, incident or belonging to such market and fair or market, to be taken, received and enjoyed by them the aforesaid Mayor, Bailiffs and Burgesses of the aforesaid town and their successors from time to time for ever. And the same market and fair or market are, by a certain commission lately issued in this behalf from the Court of our Duchy of Lancaster at Westminster,

and by a certain inquisition thereupon taken and returned into the aforesaid Court and remaining there among the records of the same Duchy, said not to be to the damage or hurt of us or of any other persons, or of any neighbouring markets, or fairs or markets. Wherefore we will, and firmly enjoining, command for us our heirs and successors, that they the aforesaid Mayor, Bailiffs and Burgesses of our town of Liverpool aforesaid and their successors may freely and quietly have, hold and keep the said market and fair or market within the same town, and may from time to time for ever take, receive and enjoy the aforesaid tolls, profits, advantages and emoluments lawfully appertaining, incident or belonging to the same or to any part thereof. We also command the Sheriff of our County Palatine of Lancaster aforesaid and all our Mayors, Bailiffs and ministers, whom it may concern in this behalf, that he or they, on sight of these presents, may cause the tenor of these presents to be publicly and openly proclaimed in all proper places within our County Palatine aforesaid. Commanding moreover and requiring from all our other liege subjects that they and each of them act and conform for ever in all things, as is befitting, according to the tenor of these our Letters Patent, not introducing anything contrary therein, or in any way contradicting or abating them.

3 In witness whereof we have caused these our Letters to be made Patent. Given at our Palace at Westminster, under the seal of our Duchy of Lancaster and also under the seal of our County Palatine of Lancaster on the second day of June in the eighth year of our reign.

GERARD.

XV. CHARTER OF GEORGE II

26 March, 1752

Documents relating to attempts to secure a New Charter. During the first half of the eighteenth century there were several disturbances in the Council, and difficulties between the Mayor and Council, or Burgesses and Council, about the Charters and the government of the town under the Charter. These proceedings are much too long to be given in full.¹ Between 1711 and 1712, the Rev. Mr. Henry Richmond, one of the two Rectors, appears to have organized an agitation for the invalidation of the Charter of 1695, and the substitution of the Charter of Charles II.

[At a Council, April 4, 1711]. *Whereas* it hath been this Day Propounded and made Appear in Councill that some Attempts have been lately made and is now carrying on to destroy the Present Constitution of this Corporation and to vacate and Sett aside the present Charter by the management of Mr. Henry Richmond one of the Rectors of this Town, who was presented to that benefice by the Mayor Aldermen Bayliffs and Common Councill of this Burrough; acting under and by force and vertue of the same

1. See *Introduction*, pp. 125-9.

Charter in order to overturn the method of Electing A Mayor and other Officers, and thereby take from the freemen some of their most Antient Priviledges, and establish it in the Comon Councill, A form contrary to the Antient usage of the Corporation ever since it was so created as Appears by the Eldest Records thereof, which are from and ever since the year 1552, save that on Some unhappy difference which happened in or about the Twenty ninth year of King Charles the Second's Reign touching the Election of A Burgess to Serve in Parliament, A new Charter was then obtained by A few Persons without the knowledge and consent of the greatest part of the Burgesses and freemen and without the Surrender of the former Charter then in being, and that on the Coming in of King James the Second that last Charter was also Changed, tending to the manifest prejudice and Destruction of the Constitution and so Continued till the year 1695 when this present Charter was Obtained which restores and Confirms the said former Charter, that was not Surrendred made by King Charles the first with some other Priviledges, by and under which this Town hath been Governed ever since and greatly increased in their Riches and Trade more than ever was known before *It is therefore* ordered and Enacted by this Assembly that the present Charter and Constitution, and the Antient Priviledges of and belonging to the freemen of this Burrough and Corporation be defended and Supported at the Publick Charge of this Corporation, and that all Suites Comenced or to be comenced or Process brought against the Mayor Bayliffs and Burgesses or against any Particular Person or Member of this Corporation whereby to bring the same in question, be immediately communicated to this Assembly and be likewise defended and the Persons Sued therein indemnified at the said Publick Charge, and that S^r Thomas Johnson Jasper Maudit Esq^r and Aldⁿ Richard Norris have power to imploy Solicitors and others Learned in the Law to take all needful measures to defend the same, and that all Charges expended therein shall be disbursed and paid by and out of the Publick Rents, Revenues and Stock of this Burrough and Corporation.¹

[May 20, 1711]. The Corporation being greatly Divided into partys of High Church and Low and A Petition preferr^d to her Maj^{ty} in the Names of the Mayor Aldermen and Burgesses for A Scir' facias to try the vallidity of the present Charter alledging that the Charter Granted by K Cha the 2nd was never Surrendred nor the p^{re}sent Charter accepted which was Referred to the Attorney and Sollicitor Generall and notice given to hear all parties many Affidavits of the most ancient freemen have been prepared by the Directions of M^r Thomas Bootle A young student in the Temple proving that the Charter of K Cha: the 2^d was surreptitiously obtained and that the present Charter was fully accepted by the whole Town and that the very persons that now Petition against it have all along acted vnder it, petitiond for and taken Leases from the acting Corporate Body and the ancient vsage and manner of Electing of Mayors Bayliffes ec by the freemen in gen'all are now sent vpp, and Aldⁿ Richard Norris hath examin^d the Records and takes vpp sev'all Extracts thereof for our Defence therein.²

[At a Councill, Oct. 5, 1711]. It is Order^d and Enacted That A Deed be Duly Executed and Passed vnder the Corporation Seale to Convey over the Towns Customs to S^r Thomas Johnson M^r Maudit and M^r Norris to Enable them to Defend the present Charter and Constitution till the p^{re}sent Contest be finally Ended and Determin^d.³

[At a Portmote Oct. 29, 1711]. The Grand Jury taking into Consideration That the Rev^{end} M^r Henry Richmond One of the Rectors hath been absent from his parish and flock A long time and thereby neglected his Duty made the following presentm^t

1. *Mun. Rec.*, VI, 300. 2. *Mun. Rec.*, VI, 306. 3. *Mun. Rec.*, VI, 309.

We Being also to inquire as well for our Sovereign Lady the Queen as for the Burgesses of this Burrough having seriously as we ought consider^d her Maj^{ties} M^t Gracious Proclamation for the Encouragem^t of piety and vertue and for preventing and punishing Vice Prophaneness and Immorality read this Day vnto vs and that notwithstanding her Maj^{ties} most Religious Care therein there hath been great neglect within this Burrough by the not Discountenancing and Duly punishing Vice prophaneness and Imorality and putting the wholesome Laws in Execution against them as by the said proclamation is Enjoyn^d, and being Deeply Sensible of the Great Increase of all maner of Vyce and Debauchery amongst vs, and well weighing what to vs may seem the Cause thereof We Doe humbly lay the same before the Magistracy of this Town with our sincere and hearty Desires and offers to join and vnite in all proper Measures for the Effectuall Remedyng and preventyng thereof for the future.

And first we think the vnhappy Divisions amongst vs to be one principall Cause thereof. 2^{ndly} another Cause thereof we are sorry (but canot in Justice forbear) to assign, which is the vnaccountable Behaviour of the Rev^d M^r Hen: Richmond one of our Rectors who haveing Seem^d to Renounce or Exchange his most holy profession Did for ffour Months or Betwixt the last of January & Begining of June last past abandon his flock and for much longer time hath so farr forgott himself to be the Guide of the Contending parties who by his Christian offices might have influenc^d and Disposed both sides to an accomodation, instead of which he hath rather Chose to set himself at the head of the Contention incourage the Tumults, been the Mover and persuader of the most violent Councells and Measures and by his Rage to the people of one side, and Compliance with the other, hath made his publick instruction when attended vnedifying and vnprofitable but what we perticularly charge vpon him in breach and Contempt of the said proclamation, is, that within this year last past and not to goe farther back than her Maj^{ties} most Gracious pardon, since that time he hath not once read the said proclamation in his Church or parochiall Chapell or caused the same to be read or taken any notice thereof so as to make A Discourse suitable thereto as by the said proclamation is Enjoin^d.

And Lastly are the severall scandalous and villanous Libells sett forth or publish^d within this Town especially one Entituled A true and impartiall account of the Election of the Representatives in Parliam^t for the Corporation and Burrough of Liverpool in the County Pallatin of Lancaster October the 16th 1710.

Also another without any Tytle Page wherein pa. the 6th the Comon Councell are called A Corrupt Majority and page the 14th A pack^t Councell which said Libell was publishd by the abovesaid Rector, and that both the said Libells which are false in fact have not only Reflected on the Comon Councill of this Burrough but of the Town in Generall and Rais^d and stirred vp so many heats and Dissentions as in all appearance tend to Distract and Destroy all manner of Christian Charity and Society to the High Displeasure of God and all Good Men.¹

[At a Council July 2, 1712]. M^r Mayor haveing Communicated to the Comon Councill That he, the Baylives and Town clerk have been serv^d with A Scire ffacias issued out of and Returnable in the Chancery of England in the Petty Bag office or Latin Side Crō Sce Trinitate to Shew Cause why the present Charter or Letters Patent Granted to the Mayor Bayl^s and Burgesses of this Burrough and Corporation by his late Maj^{ties} K. William ought not to be Repeal^d It is Order^d That A Warrant of Attorney vnder the Corporation Seale be made and Granted to S^r Thomas Johnson Jasper Maudit and Rich^d Norris Esq^{rs} or to such Attorney or Clerk as they shall think fitt to imploy Who

1. *Mun. Rec.*, VI, 318.

are hereby Order^d and impower^d and shall be impower^d by such Warrant Of Attorney to Enter appearance for the Mayor Baylives and Burgesses of this Burrough and Corporacon & make such Defence therein as they shall be advis^d by Councill and find needfull and Requisite pursuant to the Order of Councill of the 4th Aprill 1711.¹

[*At a Portmote, July 14, 1712*]. That the Rev^dend Henry Richmond Brought A Certiorari to Remove the Presentm^t against him last October Sessions to the last Assizes att Lancaster But he not haveing Deliver^d the Certiorari to the Town clerk to make A Return thereto He lost the Benefitt of the Writt and now Mov^d by Councill att this Sessions to Quash the said Presentm^t being in English and should have been in Latin and for that and other Reasons now Shewn the Court Orders it to be Quash^d and Destroy^d.²

[*At a Council Aug. 6, 1712*]. It being Communicated to the Councill that another Scir^o fac^o Returnable in this County the nineteenth Day of July Last hath been serv^d for Repealing the p^sent Charter It is Order^d that the like Warrant of Attorney and power be Given and Granted vnder the Comon Seale as was ordered the last Councill Day held on the Second Day of July last for the Scir^o ffac^o returnable in the Chancery of England.³

The Mayor Bailiffs and Burgesses of the Town of Liverpool ags^t A Sci: fa: on the part of the Queen 22d May 1712. } Upon Motion of Counsel for the Mayor Bailiffs and Burgesses It was shown that the Charter of the Corporation granted by King William the 3rd by distinct Letters Patents under the Great Seal of England and the Seal of the Duchy and County Palatine and that a Fiat had been granted for a Sci: fa: under the Great Seal in order to repeal that Charter and it being apprehended that like Application would be made for Writs of Scire facias under the Seals of the Duchy and County Palatine a Petition subscribed by the said Corporation consisting of Bailiffs Common Councill men and Burgesses was presented to the Chancellor to be heard against the issuing of any such Writ or Writs and Caveats were lodged for the same purpose Notwithstanding all which Writs of Scire facias having issued under the Great Seal a like Writ to pass the Seal of the County Palatine was prepared privately and being sent down for that purpose passed the said County Palatine Seal the 19th of April & Returnable the 12th of May then last into the Chancery Court of the County Palatine altho^o no Warrant from the Chancellor nor Fiat thereof from the Attorney General of this Court to pass Whereupon and upon Affidavit it appeared that on the 10th of May a precept from the Sheriff of the County Palatine upon such Writ of Scire facias under the said Co^y Pal Seal was served upon him It was prayed etc And Ordered that the said Prosecutor should show Cause why the said Writ of Sci: fa: under the said Co^y Pal Seal and proceedings thereon had should not be transmitted into this court.⁴

And upon shewing Cause It was Ordered that the former Order of the 22d of May then instant shoul^d be and thereby the same was discharged but to be without prejudice to the said Mayor Bailiffs and Burgesses of the said Town of Liverpool.⁵

A new question of even greater constitutional importance arose in 1726 and the following years, when several of the Mayors, notably Mr. Bootle (1726-7), Mr. George

1. *Mun. Rec.*, VI, 324.

2. *Mun. Rec.*, VI, 326.

3. *Mun. Rec.*, VI, 326.

4. *Duchy of Lanc. E Libro Orders and Decrees*, 1699-1712, p. 340.

5. Do. p. 341 (b).

Tyrer (1727-8) and Mr. John Hughes (1728-9), refused to recognize the Council's authority, and appealed to the Body of Burgesses.¹ In March 1729 therefore the Council issued a Manifesto, stating that it alone had the right to manage the town's affairs. In 1735 during Lord Derby's Mayoralty, a bold attempt was made to overthrow the Council and return to the old Meetings of the Burgesses in Common Hall. The protest of the Council dated Sept. 23, 1736, against this conduct is of great importance.

March 5, 1729. Att the Councill held this day Whereas by the constitution of this Corporation no business of moment relating thereto can be ordered transacted or done, save only by or vnder the direction of the Comon Council assembled, and that no Council or assembly can be held without the Mayor and one Bayliffe. And whereas by an order of Council of the first day of May 1679 it was ordered that the first Wednesday in every month shod thenceforth be a Council day and duly observd, and altho' the same hath since been constantly observd and put in practice except in case of sickness or other very extraordinary accidents, untill the time of M^r Bootle's Mayoralty in the year 1726, who first declined to hold Councils by himself or deputy as usuall and afterwards wilfully and obstinately refused or neglected the same and made a breach of the said order and then in an unprecedented manner took upon him to surrender and vacate his office of May^r and notwithstanding his oath, left the Corporation void of a head or Mayor to act or administer justice, which put the same and the burgesses and inhabitants thereof in the utmost confusion and hath been the source and spring of many great inconveniences, law suits, and extraordinary expences, to support the rights of the Corporation ever since, and that by his example and advice, M^r Geo. Tyrer, who pretended to act as Mayor after him for remainder of that year and also Mr. John Hughes the year following, did neither of them think fitt to pay any regard at all to the said order or other subsequent orders to that purpose or to the repeated solicitations and request of a Majority of the Comon Council, who often desired that a Council might be held in order to elect peace officers, and to carry on and do the publick business of the Corporation for the benefit and advantage thereof, but on the contrary like enemies to the Corporation, have all out of sinister views regardless to such solicitations, contemned the said order and perversely refused to assemble or meet in Council, so that none hath been since held, (save only upon the sixth day of November last) to the great detriment of the said Corporation and the sinking and diminution of the revenues and incomes thereof, inasmuch as without Councils no peace officers were or could be elected, no leases could be renewed, no fines raised noe freemen made, nor any money on that or other accounts as usuall charged, impos'd or collected, nor any other important affaires howsoever necessary or ever so much for the good of the Corporation be transacted, which not only put full stop to the carrying on the building and finishing the new church, the cleansing of the dock and other publick works, but also to many other necessary matters relating to the said Corporation, which for want of frequent Councils have been altogether slighted, hinder'd and obstructed. For remedy whereof and in some measure to supply the defect of Councils, but principally to prevent the ill consequences which the Majority of this Councill foresaw might in all probability attend and greatly affect the body politick in the unjustifiable measures and procedure of such malecontents and designing persons. The said majority of this Councill therefore thought it exceeding proper and absolutely necessary not only for the safety of the said Corporation, but as much as possible to prevent the ruin, and the constitution of it for being entirely subverted, to appoint a comittee of seven of the Aldermen of their said body to meet in the Common Hall every Thursday in the afternoon or oftner as occasion sho'd require, to

1. See *Introduction*, p. 125-6

transact such of the Corporation affairs for the good and benefit of it as might probably fall within their care and any five of them to examine and sign all bills and notes for any thing justly due from the said Corporation and all charges for workmen's wages done at the new church and other publick works and such other demands as might appear to them to be reasonable or justly due and owing and to transmitt such bills or notes so by them signed to the treasurer to be paid or to undertake for the paym^t thereof to avoid the expence of law suits for the same, all which the said Comittee observed and acted accordingly.¹

Again the dispute subsided, but in 1750 the Council petitioned Parliament for the appointment of additional Justices of the Peace, a Deputy Recorder, and the grant of the waste shore. But at the same time it also tried to obtain the legalisation of its disputed powers. Part of the Petition runs as follows :

That a Charter was granted by King William the third in 1695 which ordained "That for the future to preserve the peace, tranquillity and good government of the town of Liverpool and its inhabitants there shall or may be for ever, the officers and ministers following, viz., Forty one good and discreet burgesses, who shall be called the Common Council of the said Vill" omitting to give them the least power in express words, tho' it was the manifest if not the sole intent of this Charter to give the forty one the power in the first recited clause of King Charles' Charter in order to prevent the populous meetings of the burgesses upon every trifling occasion, as the town was so extremely encreased since that time ; and therefore from that time to this, such Common Council's actings have been acquiesced in, to the great advantage and satisfaction of the whole town. But it may hereafter cause disputes unless the said Charter is explained for this purpose by adding the clause of King Charles Charter or in such manner as your Majesty in your great wisdom shall think fit.²

The petition was referred to the Attorney General and Solicitor General who advised against the confirmation of the disputed powers, but in favour of the appointment of additional Justices in these words.

To the Right Honorable the Lords of a Committee of his Majesty's most honorable Privy Council.

May it please your lordships,

In obedience to your Lordships order of the 3d of May last, referring to us the petition of the Mayor, Bailiffs and Burgesses of the Borough of Liverpool, setting forth amongst other things, that by a Charter granted to the said Borough by his late Majesty King William the Third, dated the 14th of October, 1695, The Mayor, Recorder, senior Alderman and preceding Mayor of the said Borough were appointed to be Justices of the Peace there, but that the said town is since greatly increased, they were not found to be a sufficient number for the distribution of justice, and which the petitioners conceive might be remedied if the Charter was so explained, as that the preceding Mayor might be empowered to act as a Justice for four years next after his being out of office, and the said petition further set forth that the said Charter appointed a Recorder of the said Borough, but without the power of making a Deputy, which the petition represented as very inconvenient, and therefore the petitioners prayed his Majesty would be graciously pleased to grant unto the said Mayor, Bailiffs, and Burgesses of the said Borough, an explanatory Charter of the several matters aforesaid, and in the said petition mentioned for the good government of his Majesties subjects in the said town.

1. *Mun. Rec.*, VI, 602. 2. *PICTON, Mun. Rec.*, II, 101.

We have therefore considered the said petition and Charter, and have been attended by the Recorder, and also the Town-Clerk of the said Borough and agent for the petitioners, and they having waved every thing contained in the said petition, except the two matters hereinbefore particularly stated, and having represented unto us, that if besides the preceding Mayors being continued a Justice of the Peace for the time in the petition mentioned, and the two Aldermen next to the senior Alderman of the said Borough for the time being, should be appointed additional Justices of the Peace in the said Borough, it would still be of greater service in the distribution of Justice, in the said Corporation, which is of late become very populous.

We are humbly of opinion that his Majesty may, if he shall so please, grant his Royal Letters Patent or Charter under the great Seal to explain the said former Charter, and continue every Mayor of the said Borough, to be a Justice of Peace there for the space of four years after the expiration of his office of Mayor; and also to appoint the two Aldermen of the said Borough next to the senior Alderman there, for the time being, to be additional Justices of the Peace in the said Borough, and also to give power to the said Recorder of the said Borough for the time being to appoint a Deputy to act in his stead and to confirm the said Letters Patent in all other respects, all which is submitted to your Lordships consideration.

D. Ryder.

W. Murray.

12th Nov. 1751.

In accordance with this report the Charter of George II was granted.

Description. The original, which is still in the possession of the Corporation, is written on a single sheet of parchment, measuring twenty-two and a quarter inches deep by twenty-eight inches wide, on which are three 40s. stamps. In the initial letter G, in copperplate engraving, is a half length portrait of the King in an oval. Above the first line of the lettering of the Charter are Jacobean scrolls and ornaments, also in copperplate engraving, with figures emblematic of England, France, Ireland and America (?) [This is an Indian squaw, seated, dressed in a costume ornamented with feathers, having a feathered head-dress.] In the middle of the ornamentation, within the garter having a royal crown above, are the royal arms quarterly, first England impaling Scotland; second France; third Ireland; fourth Hanover, with the lion and unicorn on each side respectively. On the sides of the Charter are conventional ornaments. The margins are ruled with red lines, and a red line is drawn below each line of the lettering. The writing is clear and legible, but the parchment is somewhat discoloured. The Great Seal of England in red wax is attached by a red and white plaited cord, but it is in five pieces. It is kept in a tin box. The diameter is 5·8 inches. The King is enthroned and crowned, holding in the right hand a sceptre, in the left an orb. On the right side of the King is a figure of Hercules and a prostrate figure of Envy lying under the throne; between Hercules and the throne is Minerva, and on the extreme right of the seal is Plenty. On the left side of the King is Britannia, holding on the left arm a shield, bearing the arms of England and Scotland impaled, and behind Britannia is Piety or Religion. At the top of the seal is a shield bearing within the garter the royal arms quarterly, first England impaling Scotland; second France; third Ireland; fourth Brunswick impaling Luneburgh, on a point in point Saxony, and an inescutcheon charged with the crown of Charlemagne, being the badge of the Arch-Treasurer of the Holy Roman Empire. The Legend is: GEORGIUS · II · DEI · GRATIA · MAGNÆ · BRITANNIÆ · FRANCIÆ · ET · HIBERNIÆ · REX · FIDEI · DEFENSOR. On the counterseal is the King on horseback moving to the right, in Roman armour. At the base of the seal is a view of London and Southwark, connected by London Bridge. The legend is: BRVNSWICEN · ET · LUNEBERGEN · DVX · SACRI · ROMANI · IMPERII · ARCHITHESAVRARIVS · ET · PRINCEPS · ELECT · ETC.

1. *Brooke's Charters*, pp. 44-6.

Copies and Translations.

The Charter is printed with some inaccuracies in the *App. Mun. Com. Inq. Rep.* (1833); and is abstracted in the *Trans. Hist. Soc. Lanc. and Ches.* vol. 36 (1884), pp. 81-2.

Docquet. There is no docquet of this Charter.

ABSTRACT

1. Appointment of the Mayor as J.P. for Liverpool for four years after the expiration of his Mayoralty.
2. Appointment of four Aldermen as J.P.'s for Liverpool.
3. Power given to the Recorder to appoint a Deputy.
4. Confirmation of all rights and privileges enjoyed under previous Charters.
5. Witness and date.

1 GEORGE THE SECOND BY THE GRACE OF GOD of Great Britain, France and Ireland King Defender of the Faith etc To ALL to whom these Present Letters shall come Greeting. WHEREAS Our Trusty and Welbeloved the Mayor Bailiffs and Burgesses of Our Town of Liverpool in the County Palatine of Lancaster have by their Petition humbly Represented to Us amongst other things therein contained That by a Charter Granted them by his late Majesty King William the third bearing date the Twenty Sixth day of September in the Seventh Year of his Reign The Mayor Recorder Senior Alderman and Preceding Mayor were Appointed to be Justices of the Peace there but that as the said Town is Greatly Increased they were not found to be a Sufficient Number for the Distribution of Justice and which the Petitioners Conceive might be remedied if the Charter was so Explained as that the Preceding Mayor might be Impowered to Act as Justice for four years next after his being out of office as Mayor AND that the four Aldermen next to the Senior Alderman while they remain members of the Common Council might be Appointed Additional Justices to keep the Peace in the said Town and in the Libertys and Precincts thereof AND WHEREAS the Petitioners further humbly Represent that the said Charter Appoints a Recorder but not Giving him any Power in Express Words they Doubt if he can Appoint a Deputy which they

humbly Represent on the Great Increase of the Town is become Absolutely necessary The Petitioners therefore have most humbly prayed that WEE would be Graciously Pleased in Consideration of the Premises to Extend Our Royal favour to the said Town and to Grant to the Mayor Bailiffs and Burgesses thereof an Explanatory Charter of the severall matters aforesaid for the Good Government of our Subjects residing in the said Town WEE taking the Premises into Our Royal Consideration for Remedy of the Inconveniences Complained of in the said Petition and of the Defect in the said Letters Patent and for the Explanation of the same are Graciously pleased to Condescend to their Request KNOW YE therefore that WEE of Our Especial Grace certain knowledge and meer Motion HAVE Granted Ordained and Appointed and by these Presents for Us Our Heirs and Successors Do WILL Grant Ordain and Appoint that the Present Mayor and every Person who shall at any time hereafter be Mayor of Our Town of Liverpool in the County Palatine of Lancaster shall continue to be and Act as One of Our Justices to keep the Peace in the said Town and the Libertys and Precincts thereof

2 for four years after the Expiration of his Mayoralty AND WEE do further Grant Ordain and Appoint that the four Aldermen for the time being next to the Senior Alderman while they remain Members of the Common Council of the said Town shall be Additional Justices to keep the Peace within Our said Town and the Libertys and Precincts thereof and shall take the same Oaths as are Appointed by the said Charter to be taken by the Senior

3 Alderman and in the same manner AND ALSO that the present and every future RECORDER of the said Town shall have full power and Authority to nominate and Appoint Some Sufficient

4 Deputy in his Absence or Indisposition in the said Office AND OUR FURTHER WILL and Pleasure is And WEE do by these Presents for Us Our Heirs and Successors Grant and Ordain that the Mayor Bailiffs and Burgesses of the Town of Liverpool in the

County Palatine of Lancaster and their Successors shall and may have hold Use and Enjoy all Libertys Authoritys Jurisdictions franchises Privileges Lands Tenements and Hereditaments whatsoever Granted by the said Letters Patent and not Altered by these Presents or which the said Mayor Bailiffs and Burgesses or their Predecessors have had held Used or Enjoyed or might have Used or Enjoyed by any other Grants Charters Letters Patent or by whatsoever other Lawfull manner Right Title Custom Use or Prescription they have held Used or Enjoyed or might have held Used or Enjoyed AND LASTLY WEE do by these Presents for Us Our Heirs and Successors Grant unto the said Mayor Bailiffs and Burgesses and their Successors that these Our Letters Patent or the Inrollment or Exemplification thereof shall be in all things good firm Valid Sufficient and Effectual in the Law according to the true Intent and meaning thereof notwithstanding the not truely Reciting the said Letters Patent or the date thereof or any other Omission Imperfection Defect Matter Cause or thing whatsoever to the Contrary notwithstanding

5 IN WITNESS WHEREOF WEE have Caused these Our Letters to be made Patent WITNESS Our Self at Westminster the Twenty Sixth day of March in the Twenty ffifth Year of Our Reign

By Writt of Privy Seal

Cocks.

XVI. CHARTER OF GEORGE III

19 *January*, 1808

Documents relating to attempts to secure a New Charter. The grant of George II's Charter led the way to a compromise between the two parties, and the ratification and confirmation of an award of arbitration, of which the terms are unknown. But Mr. Joseph Clegg, a member of the Council and Mayor 1748-9, who had previously opposed the Council, was in 1758 discharged by it from his office as Councilman and Alderman. He applied to the Court of King's Bench for a mandamus to enforce his restoration to his office, which was granted him. Next year however he again continued his warfare with the Council, by having a notice served on the Mayor that the Court of King's Bench would be applied to for a mandamus to compel the Mayor to hold a meeting or Common Hall of the Burgesses. Part of this notice ran :

"that the power to make By-laws rested with the Mayor Bailiffs and Burgesses . . . that whereas there was a necessity for making some by-laws for want of which the rights and privileges of the Mayor Bailiffs and Burgesses are greatly incroached upon and abused: This is therefore to give you notice that unless in six days from this notice you cause a Common Hall to be summoned in obedience to the said several Charters [viz of Charles I and William III 1695] His Majesty's Court of King's Bench will be moved for obtaining a rule for information in the nature of a Quo Warranto or for a Writ of Mandamus or other such of his Majesty's Writts or Informations as the Court shall award." The Council ordered "that Mr. Mayor be defended against any such motion at the Corporation expence," and as Mr. Clegg had not the funds of a Corporation to draw upon, the matter died away. But in the years 1790-1 another attempt was made to assert the rights of the Burgesses against the self-elected and usurping Council, but once again the power of the purse won the day for the Council, which used the Corporation funds to defend their position. On Oct. 5, 1790, a large number of prominent citizens petitioned for the holding of a Common Hall "at which the Burgesses may have an opportunity of electing the guardians of their own estate." The Common Hall was not at that time held, but on Jan. 17, 1791, under the auspices of the Mayor, Mr. John Sparling, a Common Hall was held, against which and the acts of which, on Feb. 2, the Council recorded its protest. But a minority of the Council in its turn passed a protest against the protest signed by the Mayor. John Sparling, the Bailiffs, Robert Moss and Clayton Tarleton, two Aldermen, Thomas Earle and Henry Blundell, and four Councillors, Richard Walker, Peter Ellames, Charles Caldwell, Willis Earle.

The protest of the Council is very important, and part of it runs thus: "Whereas since the holding of the last Common Council, to wit on or about the seventeenth day of January last past, the present Mayor John Sparling Esq. and Robert Moss and Clayton Tarleton Esq^m the present Bailiffs of the said borough and corporation of Liverpool, did take upon themselves in an illegal manner to summon and hold a meeting or Assembly at which were present the said Mayor and Bailiffs and a number of the burgesses of this Corporation, which meeting they thought fit to call a Common Hall, and then and there pretended to make a certain By-law, thereby enacting, ordering or declaring that all By-laws, Resolutions and Agreements at any time theretofore made by the Mayor, Bailiffs and Burgesses of this Borough . . . whereby power was given to the Mayor and Council to elect any persons to fill up any vacancy in the Council . . . should be repealed, abrogated, annulled and made void.

"And whereas the same Mayor, Bailiffs and Burgesses at the same meeting did take upon them in the like illegal manner to elect Richard Walker, Charles Caldwell, William Earle, Peter Ellames and Joshua Rose to be five of the Common Councilmen of this borough in the room of others deceased, resigned or removed.

"And whereas the said Mayor, Bailiffs and Burgesses did at the same meeting or assembly in the like illegal manner make another certain By-law ordering that the Town's Treasurer should draw out an accurate account of all the monies by him officially received, and deliver the same to the Mayor, that he might order the same to be properly audited by four of the Council and four Burgesses not of the Council to be named at the Common Hall along with the Mayor.

"And whereas the said Mayor, Bailiffs and Burgesses did at the same meeting or assembly make another certain By-law, ordering that a Committee should be named to inspect all the By-laws theretofore made, consisting of the Mayor (with others named) and that they should proceed to the inspection of all such By-laws,

1. PICTON'S *MUN. REC.*, II, 104.

and whether any and which of them were necessary to be repealed and which continued, and if necessary, to make other By-laws to be confirmed by the Mayor, Bailiffs and Burgesses in Common Hall to be assembled.

"And whereas the same Mayor, Bailiffs and Burgesses did at the same meeting take upon them in the like illegal manner to elect and nominate different persons to constitute the aforesaid Committee so illegally appointed.

"All which acts and proceedings are contrary to the Charters and constitution of this Corporation; which illegal proceedings the Common Council taking into their serious consideration, It is hereby declared that the said meeting or assembly and all its proceedings were and are illegal and contrary to the immemorial usages, customs, charters and to the very constitution of this borough and Corporation, and that they are hereby declared to be absolutely null and void."

On June 16, 1791, another Common Hall was called, at which a By-law was passed requiring the Treasurer to permit his books to be examined by the Auditors appointed at the Common Hall of Jan. 17, 1791, under a penalty of 40s. The Treasurer, acting under the Council's instructions, refused to allow his books to be thus examined, and a technical action was brought against him in the Court of King's Bench to recover the penalty of 40s., but really to establish the legality of the Common Halls. The action went in favour of the Burgesses, but a motion was granted for a new trial, at which the verdict was again given for the Burgesses. The Council again obtained on technical grounds a motion for a new trial, and as the plaintiffs perceived that the Council was determined to fight out the matter with the help of the Town Funds, the prosecution was abandoned and the question allowed to drop.

Description. The original, which is still in the possession of the Corporation, is written on a single sheet of parchment, measuring twenty-four inches deep by twenty-eight and three-quarter inches wide, on which is a £20 stamp. Within the initial letter G, in copperplate engraving, is a half length portrait of the King. Above the first line of the lettering of the Charter, among scrolls and emblematic figures, also in copperplate engraving, are the royal arms, supporters, etc., quarterly; first and fourth England; second, Scotland; third, Ireland, with Hanover on an escutcheon of pretence ensigned with the electoral cap; impaling quarterly of six for Brunswick for the Queen. Part of this engraved heading is cut away. At the sides among scrolls are emblematic figures and medallions of the King and Queen. The engraving heading is signed: *Printed by J. Hawkins, No. 44, Fetter Lane Holborn London.* The margins are ruled with red lines, and there is a red line drawn below each line of the lettering. The writing is a running hand, clear and legible. The Great Seal, in green wax much rubbed, is attached by a red and white plaited cord. The diameter is 5.75 inches. The King is enthroned and crowned, wearing the robes of the Garter, holding in the right hand a sceptre and supporting with the left a large orb. On the right side of the King are the figures of Justice, Hercules and Minerva, and on the left side Britannia and Religion. From the canopy of the throne hang two curtains, and in the space between them in a garter ensigned by the royal crown are the royal arms, quarterly, first and fourth England; second Scotland; third Ireland, with an escutcheon of pretence, ensigned with the Electoral cap, being divided per pale and per chevron enarched into three compartments, charged with the arms of the King's German dominions, first Brunswick; second Lüneburgh; third Saxony; in the centre on an inner escutcheon, the crown of Charlemagne, being the badge of the Arch-Treasurer of the Holy Roman Empire.

1. *PICTON'S MUN. REC.*, II, 204.

On a ribbon below is the motto, *Dieu et mon Droit*. The legend is GEORGIVS · III · D · G · BRITANNIARVM REX · F · D · BRVNS · ET · LVN · DVX · S · R · I · A · T · ET · PR · ELECT ET^c. On the counterseal is the King on horseback, moving to the left, in Roman armour. Below the body of the horse is a view of London, with London Bridge and the Thames. The legend is the same as on the other side.

Copies and Translations. The Charter is printed in the *App. Mun. Com. Inq. Rep.* (1833), and is abstracted in the *Trans. Hist. Soc. Lanc. and Ches.* vol 36, 1884, pp. 82-3. **Docquet.** There is no docquet of this Charter.

ABSTRACT

1. Statement that by Charles I's Charter the Mayor and Senior Alderman should be J.P.s for Liverpool.
2. Statement that by William III's Charter the Mayor, ex-Mayor, senior Alderman and Recorder should be J.P.s for Liverpool.
3. Statement that by George II's Charter the Mayor was to be J.P. for Liverpool for four years after the expiration of his Mayoralty, and that the four senior Aldermen should also be J.P.s.
4. Reasons for the extension of these Charters.
5. Appointment of all Aldermen as J.P.s for Liverpool.
6. Appointment of the Mayor as Coroner for four years after the expiration of his Mayoralty.
7. Confirmation of all rights and privileges enjoyed under previous Charters.
8. Witness and date.

I GEORGE THE THIRD BY THE GRACE OF God of the United Kingdom of Great Britain and Ireland King Defender of the faith To ALL TO WHOM these presents shall come Greeting WHEREAS Our Royal Predecessor King Charles the first by his Charter or Letters Patent under the Great Seal of England and bearing date at Westminster the fourth day of July in the second year of his said Majestys Reign after reciting amongst other things that his Town of Liverpool in the County Palatine of Lancaster was an ancient and populous Town and the sole port in the said County Palatine and that the Mayor Bailiffs and Burgesses of the said Town from the time whereof the Memory of Man was not to the contrary had used and enjoyed divers Liberties and franchises did amongst other things declare and Grant that the Burgesses of the Town of Liverpool in the County of Lancaster and their Successors thereafter should be a Body Corporate by the name of Mayor

Bailiffs and Burgesses of the Town of Liverpool in the County of Lancaster and after various other provisions further granted that the mayor of the said Town for the time being and the Senior Alderman of the same Town for the time being or either of them should from thenceforth for ever be Justices of him the said King his Heirs and Successors to preserve the Peace of the same Town and the Liberties and Precincts of the same with such further authority and in such manner as therein

2 mentioned AND WHEREAS Our Royal Predecessor King William the third by his Charter or Letters Patent under the Great Seal of England and bearing date at Westminster the twenty-sixth day of September in the seventh year of his Reign after reciting the whole of the said Charter so granted by his said Majesty King Charles the first and confirming the franchises Liberties and Grants therein mentioned and after reciting further as therein is also recited did amongst other things Grant that thenceforth for ever forty one of the Burgesses of the town aforesaid should be the Common Council of the said town of which one should be Mayor two should be Bailiffs one should be Recorder and one should be the¹ Common Clerk of the said town and that every person who should bear the Office of Mayor should immediately after the taking upon him the said Office be an alderman of the Town aforesaid during his Life unless for just Cause he should be thence removed and after various other Provisions his said Majesty King William the Third did further Grant to the said Mayor Bailiffs and Burgesses of the said Town and their Successors that the Mayor thereby named during his continuance in the said Office of Mayor and every other Mayor of the said town for the time being during his continuance in that Office and every last predecessor of such mayor for the space of one year from and after his going out and departing from the Office of Mayor of the same Town respectively

1. This word is inserted in the original.

and the Senior Alderman of the town aforesaid for the time being and the Recorder of the same Town thereby appointed and the Recorder of the same town for the time being might and should be justices of the same King his Heirs and Successors to keep the Peace within the Town aforesaid and the Liberties and Precincts thereof AND WHEREAS Our late royal Grandfather King George the second by his Charter or Letters Patent under the Great Seal of Great Britain and bearing date at Westminster the twenty sixth day of March in the twenty fifth year of his Reign after reciting a Humble Petition of the Mayor Bailiffs and Burgesses of the said Town of Liverpool as therein mentioned did amongst other things Grant that the then Mayor and every person who should at any time thereafter be Mayor of the said Town of Liverpool should continue to be and act as one of the Justices to keep the peace in the said Town and the Liberties and Precincts thereof for four years after the expiration of his Mayoralty and also that the four Aldermen for the time being next to the Senior Alderman whilst they should remain members of the Common Council of the said town should be additional Justices to keep the peace within the said Town and the Liberties and Precincts thereof and also that the then and every future Recorder of the said Town should have full power and authority to nominate some sufficient Deputy in his or their absence or indisposition in the said Office AND WHEREAS the Mayor Bailiffs and Common Council of the said Town of Liverpool have by their petition ¹ humbly represented to us amongst other things that the Population and Trade of the said Town have since the Granting of the said last mentioned Charter or Letters Patent Greatly increased and that the said persons so appointed to be Justices to keep the Peace there are now found not to be a sufficient number for that purpose AND FURTHER that either by prescription or under some ancient Royal Charter now lost the Mayor of the said Town

1. These four words are inserted in the original.

upon the expiration of his Office becomes Coroner of the said Town for a year but on account of the greatly increased Population of the said town it will be of Great Public utility that there should be several Coroners for the same and that such Effect might be produced by making the outgoing Mayor Coroner for four years if he should so long continue a member of the Common Council and have therefore humbly prayed that we would be graciously pleased to make such Grant by our Royal Charter as shall besides the Mayor and Recorder of the said town for the time being constitute all the aldermen of the said town for the time being¹ whilst they shall continue Members of the Common Council Justices of the Peace within the said Town and shall also in manner before mentioned extend the Service in the Office of Coroner to four years We taking the Premises into our Royal Consideration and for remedy of the inconveniences in the said petition mentioned are graciously pleased to comply with the request of the said Mayor Bailiffs and Common Council

- 5 KNOW YE THEREFORE that we of our especial Grace certain knowledge and meer motion Have for the further Improvement² of the Police of the said Town and for effectuating a more extensive and equal distribution of the Burthensome duties thereto belonging granted ordained and appointed and by these presents for us our Heirs and Successors do Grant Ordain and appoint that from henceforth in addition to and besides the mayor of the said town of Liverpool for the time being and the Recorder of the same town for the time being or his Deputy every person who now is or hereafter shall be an alderman of the said town shall so long as he shall remain a member of the Common Council of the said Town be a justice of the peace within the same town and the Liberties and Precincts thereof and shall be such Justice of the peace with the same powers and

1. The words from *constitute to time being* are inserted in the original.

2. This word is inserted in the original.

authorities as any alderman of the said town being already one of the Justices or the Peace for the same is entitled to exercise and except where any such alderman being already a justice of the Peace within the said town and the Liberties and Precincts thereof shall already have taken the Oaths appointed by the Charters or Letters Patent herein before recited or any of them every of (*sic*) such alderman shall before taking upon himself to act in the said Office of one of the Justices of the peace for the said town and the Liberties and Precincts thereof take the same Oaths as by the said Charters or Letters Patent or any of them are required to be taken by the persons thereby appointed to

6 be Justices of the peace aforesaid AND FURTHER of our more especial Grace certain knowledge and meer motion we have Granted Ordained and appointed and by these presents for us our Heirs and Successors Do Grant Ordain and appoint that from henceforth all and every person and persons who have or hath within the space of four years now last past heretofore served the Office of Mayor of the said town and the present Mayor of the said town when he shall have compleated his Service of the said Office of Mayor and all and every person and persons who shall hereafter have served the said Office of Mayor shall severally and respectively be and continue Coroner of us our Heirs and Successors within the said town and the Liberties and Precincts thereof for four years from the Expiration of his and their respective Mayoralty or Mayoralities if he or they respectively shall so long continue a member or members of the said Common Council and our

7 further will and pleasure is and we do by these presents Grant and Ordain that the Mayor Bailiffs and Burgesses of our said town of Liverpool and their Successors shall and may have hold and enjoy all Liberties authorities Jurisdictions franchises Privileges Lands Tenements and Hereditaments whatsoever granted by the herein before recited several Charters or Letters patent and not altered by these presents or which the said mayor

Bailiffs and Burgesses or their predecessors have had held or enjoyed by any other Grants or Letters patent or by whatsoever lawful manner right title custom use or prescription they have heretofore held and enjoyed the same AND LASTLY we do by these presents for us our Heirs and Successors Grant to the said Mayor Bailiffs and Burgesses and their Successors that these our Letters patent or the Inrolment or Exemplification thereof shall be in and by all things good firm valid sufficient and effectual in the Law according to the true intent and meaning thereof any misrecital nonrecital contrariety or repugnancy or any other Omission Imperfection defect matter cause or thing whatsoever
 8 to the contrary thereof notwithstanding IN WITNESS whereof we have caused these our Letters to be made Patent WITNESS Ourself at Westminster this nineteenth day of January in the forty eighth year of our reign.

BY WRIT OF PRIVY SEAL.

WILMOT.

XVII. CHARTER OF GEORGE IV

28 April, 1828

Documents relating to attempts to secure a New Charter. These are of no importance, as the Charter is only an extension of George III's Charter and there was no controversy over the application for it.

Description. The original, which is still in the possession of the Corporation, is written on a sheet of parchment, measuring twenty-three inches deep by twenty-seven and three-quarters inches wide, on which is a £30 stamp. The ornamentation and portrait are exactly the same as on the Charter of George III, and are clearly engraved from the same copperplate, which however has been used and worn since the earlier Charter was engraved from it. The writing is clear, but not very good, an ordinary engrossing hand. The Great Seal, in yellow wax, is attached by a red and green plaited cord. The diameter is 6·1 inches. The King is on horseback moving to the left, in armour. In the exergue is the date MDCCCXX. The legend is GEORGIUS · QUARTUS · DEI · GRA[TIA · BRITANNIARUM · REX · FIDEI · DEFEN]SOR. On the counterseal is the King, enthroned and crowned, in his coronation robes, holding in the right hand a sceptre, and supporting with the left an orb. On the right side of the King is Wisdom; to the right of the seal in front of the throne stand three figures emblematic of England, Scotland, Ireland. On the left side of the throne stand Religion and Justice. At the top of the seal are the royal arms, the same as those in the seal of George III. The whole device of the seal is encircled by a broad wreath of oak and laurel leaves. The Charter is kept in a leather box.

Copies. As far as I know, this Charter has only once been printed in the *App. Mun. Com. Inq. Rep.* (1833). In a paper prepared by Sir James Picton for the Historical Society of Lancashire and Cheshire, *Trans. vol. 36* (1884) p. 84, there is an abstract of it, but it is there stated that the original Charter was lost. Mr. Touzeau, however, who has charge of the Corporation documents, found it for me after a ten minutes' search. It was then very grimy, and we were evidently the first for many years to set eyes upon it.

Docquet. There is no docquet of this Charter.

ABSTRACT

1. Reasons for the extension of George III's Charter.
2. Appointment of the Mayor as Coroner for one year after the expiration of his Mayoralty.
3. Appointment of the Bailiffs as Coroners during their term of office.
4. Witness and date.

I GEORGE THE FOURTH BY THE GRACE OF GOD OF the United Kingdom of Great Britain and Ireland King Defender of the faith
 TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING WHEREAS
 the Mayor Bailiffs and Common Council of the Town of Liverpool in the County of Lancaster have by their petition humbly represented to us amongst other things That either by prescription or under some ancient Royal Charter now lost the Mayor of the said Town of Liverpool upon the expiration of his Office becomes Coroner of the said Town for one year That our late Royal Predecessor King George the third by his Charter or Letters patent under the Great Seal of the United Kingdom bearing date at Westminster the nineteenth day of January in the forty eighth year of his Reign was graciously pleased upon the prayer of the then Mayor Bailiffs and Common Council of the said Town of Liverpool to grant ordain and appoint And that from thenceforth in addition to and besides the Mayor of the said Town for the time being and the Recorder of the same Town for the time being or his Deputy every person who then was or thereafter should be an Alderman of the said Town should so long as he should remain a member of the Common Council of the said Town be a Justice of the Peace within the

same Town and the Liberties and Precincts thereof And that all and every person and persons who should thereafter have served the said Office of Mayor should severally and respectively be and continue Coroner within the said Town and the liberties and precincts thereof for four years from the expiration of their respective Mayoralty or Mayoralties if he or they respectively should so long continue a Member or Members of the said Common Council AND WHEREAS the said Mayor Bailiffs and Common Council of the said Town of Liverpool have further represented to Us that since the granting of the said Charter of the forty eighth year of his said late Majesty the population of the said Town of Liverpool has greatly encreased and the Duties of the Magistracy therein have also greatly encreased And that the additional Duties of the Office of Coroner imposed upon the Magistrates by the said recited Charter have consequently become extremely irksome and inconvenient And that no provision is made by the said recited Charter for the Election of a Coroner in the event of a vacancy occurring by the Death of all or any of the Magistrates thereby appointed to such Office and that there are two Bailiffs of the said Town who are chartered Officers of the Corporation annually elected And that the appointment of the two Bailiffs for the time being to the Office of Coroner in addition to the last preceding Mayor of the said Town would tend greatly to remedy the Inconvenience now experienced We taking the premises into Our Royal Consideration and for remedy of the inconveniences in the said petition mentioned are graciously pleased to comply with the request of the said Mayor Bailiffs and Common Council Know YE therefore that We of Our special grace certain knowledge and mere motion Have for the further improvement of the police of the said Town and for effectuating a more extensive and equal Distribution of the Burthensome Duties thereto belonging Granted Ordained and appointed and by these presents for Us our heirs and successors Do grant

ordain and appoint that from henceforth Charles Lawrence Esquire William Molyneux Esquire and Richard Bullin Esquire three of the present Coroners of the said Town who have respectively served the Office of Mayor of the said Town within the last four years shall cease to be Coroner of Us Our heirs and successors as granted and ordained by the said Charter of Our late Royal Predecessor King George the Third and that from henceforth Peter Bourne Esquire late Mayor of the said Town shall be and continue Coroner of us our heirs and successors within the said Town and the Liberties and precincts thereof for one year from the expiration of his said Mayoralty and that Thomas Littledale Esquire the present Mayor of the said Town when he shall have compleated his service of the said Office of Mayor and all and every person and persons who shall hereafter have served the said Office of Mayor shall severally and respectively be and continue Coroner of us our heirs and successors within the said Town and the liberties and precincts thereof for one year from the expiration of his and their respective Mayoralty and Mayoralties if he or they respectively shall so long continue a Member or Members of the said Common Council

- 3 AND Our further will and pleasure is and We Do by these presents grant ordain and appoint that from henceforth Thomas Brancker Esquire and John Ewart Esquire the present Bailiffs of the said Town shall each of them be and continue Coroner of us our heirs and successors within the said Town and the liberties and precincts thereof until they shall have completed their service of the said Office of Bailiff And that all and every person and persons who shall hereafter be elected Bailiff or Bailiffs of the said Town shall each of them during so long as he or they shall continue Bailiff or Bailiffs of the said Town be Coroner of us our heirs and Successors within the said Town and the Liberties and precincts thereof AND LASTLY We Do by these presents for Us Our heirs and successors grant to the Mayor Bailiffs and

Burgesses and their Successors that these Our Letters Patent or the Enrolment or Exemplification thereof shall be in and by all things good firm valid sufficient and effectual in the Law according to the true intent and meaning thereof any mis-recital non-recital contrariety or repugnancy or any other omission imperfection defect matter cause or thing whatsoever to the
 4 contrary thereof notwithstanding IN WITNESS whereof we have caused these our Letters to be made patent WITNESS Ourself at our Palace at Westminster this twenty eighth day of April in the Eighth year of Our Reign.

BY WRIT OF PRIVY SEAL.

SCOTT.

XVIII. CHARTER OF WILLIAM IV

Documents relating to attempts to secure a New Charter. These, as in the case of George IV's Charter, are of no importance.

Description. The original, which is still in the possession of the Corporation, is written on a single sheet of parchment, measuring twenty-two and a half inches deep by twenty-nine inches wide. Above the first line of the lettering of the Charter are lithographed among scrolls the royal arms within the garter, accompanied by the crown, supporters, etc. At the sides are emblematic figures, and portraits of the King and Queen. Below the head-work are the words: *Printed from stone by H. S. Fisher.* The writing is clear and fairly good. Three seals are attached, all of which are kept in tin boxes. *First*, the Great Seal in yellow wax is attached by a red plaited cord; it is broken and rather badly rubbed. The diameter is 6 inches. The King is on horseback pacing to the right in robes of the garter. The saddlecloth of the horse is a lion's skin. Behind the horse is the sea, whereon are two large men of war in full sail. The legend is GULIELMUS · QUARTUS · DEI · GRATIA · BRITANNIARUM · REX · FIDEI · DEFENSOR. On the counterseal is the King, enthroned and crowned, wearing his coronation robes, holding in the right hand a sceptre and in the left an orb. On the right and left sides of the throne stand Britannia and Neptune respectively; on the left side of the seal are seated Plenty and Peace, on the right side Justice and Religion. In the space above the throne appear the royal arms, the same as in George III's seal (v. p.), within the garter and between palm branches. *Second*, the seal of the Duchy in red wax in very fine condition is attached by a slip of parchment. The diameter is nearly 3 inches. On the obverse is a shield couche of three lions passant gardant in pale, with a label of three points charged with nine fleurs-de-lys, a peer's helmet with flowing mantlet supporting the crest on a chapeau, a lion passant gardant (not crowned) gorged with a label of three points; ¹ at either side is an ostrich feather, erect, ermine, with a scroll attached to the quill. The legend is: SIGILLUM DUCATUS LANCASTRIÆ. On the reverse

1. The label is so worn that it cannot be seen whether there are any charges on it or not.

is the King enthroned and crowned, holding in the right hand a sceptre, and in the left an orb. The canopy is surmounted by a royal crown. On a bracket to the left is a lion sejant, crowned, supporting a banner bearing arms quarterly, first and fourth England; second Scotland; third Ireland; and an escutcheon of pretence crowned for Hanover. On a bracket to the right is a unicorn sejant, gorged with a coronet, supporting a banner of England with a label of three points, charged with nine fleur-de-lys. The legend is: **GULIELMUS ° QUARTUS ° DEI ° GRATIA ° BRITANNIARUM ° REX ° FIDEI ° DEFENSOR.** *Third*, the seal of the County Palatine in fine condition in yellow wax is attached by a slip of parchment. The diameter is nearly 3 inches. On the obverse is the King in armour on horseback moving to the right, below a dog courant to the right; behind the King is a Tudor rose crowned with a royal coronet; on the caparison of the horse is the letter L, crowned with a like coronet, and the border of the caparison bears the motto *Dieu et mon Droit*. The legend is: **SIGILLUM COMITAT PALATIN LANCASTRIÆ.** On the reverse is a shield with three lions passant gardant, in pale with a label of three points charged with nine fleurs-de-lys, ensigned with a royal coronet composed of crosses pattee and fleurs-de-lys alternately with a pearl between each. Below the shield are two dogs, collared, sejant, addorsed, each supporting an ostrich feather, ermine, erect, with a scroll attached to the quill. The legend is: **GULIELMUS : QUARTUS : DEI : GRAT : BRITANNIARUM : REX : FID : DEF.** The Charter is kept in a leather box.

Copies. There is no printed copy, as far as I know. No reference is made to this Charter at all in Sir J. Picton's paper on the Charters of Liverpool, *Trans. Hist. Soc. Lanc. and Ches.*, vol. 36 (1884).

Docquet. There is no docquet of this Charter.

ABSTRACT

1. Grant of a separate Court of Quarter Sessions.
2. Appointment of the Recorder as Judge of the Quarter Sessions for Liverpool.
3. Limitation and statement of the Recorder's powers.
4. Witness and date.

WILLIAM THE FOURTH BY THE GRACE OF GOD of the United Kingdom of Great Britain and Ireland King Defender of the Faith To our trusty and wellbeloved THE MAYOR ALDERMEN and BURGESSES of the Borough of LIVERPOOL and to the INHABITANTS of the said Borough and to all Others whom it may concern Greeting WHEREAS the Council of the said Borough has pursuant to the provisions of an Act passed in the sixth year of our Reign entitled "An Act to provide for the regulation of Municipal Corporations in England and Wales," signified by Petition to Us in our Council the desire of the Council of the said Borough that a separate Court of Quarter Sessions of the Peace shall

continue to be holden in and for the said Borough Now Know YE that We having taken the matter of the said Petition into our Consideration and being above all things anxious to promote the due administration of Justice have thought fit to comply with the said Petition And We therefore do hereby grant unto the said Borough that a Separate Court of Quarter Sessions of the Peace shall henceforward continue to be holden in and for such Borough according to the Provisions of the
2 said Act. AND FURTHER Know Ye that We do assign the Recorder for the time being of the said Borough our Justice to enquire the truth more fully by the Oath of good and lawful Men of the aforesaid Borough by whom the Truth of the matter shall be better known of all and all manner of felonies and misdemeanors and of all and singular other Crimes and Offences of which Justices of our Peace may or ought lawfully to enquire, by whomsoever or after what manner soever in the said Borough done or perpetrated or which shall happen to be there done or attempted And of all and singular Articles and Circumstances and all other things whatsoever that concern the Premises or any of them by whomsoever and after what manner soever in our aforesaid Borough done or perpetrated or which hereafter shall there appear to be done or attempted in what manner soever And to inspect all Indictments whatsoever so before him the said Recorder taken or to be taken or before Others late our Justices of the Peace in the aforesaid Borough made or taken and not yet determined And to make and continue Processes thereupon against all and singular the Persons so indicted or who before the said Recorder hereafter shall happen to be indicted until they can be taken surrender themselves or be outlawed And to hear and determine all and singular the felonies misdemeanors and offences aforesaid and all and singular other the Premises according to the Laws and Statutes of England as in the like case it has been accustomed or ought

to be done before and by our Courts of Quarter Sessions in England And the same Offenders and every of them for their Offences by fines ransoms amerciaments forfeitures and other means as according to the Law and Custom of England or form of the Ordinances and Statutes aforesaid it has been accustomed
 3 or ought to be done to chastise and punish PROVIDED ALWAYS that if a case of difficulty upon the determination of any of the Premises shall happen to arise before the said Recorder for the time being then Judgment shall in no wise be given thereon before him unless in the presence of one of our Justices of the one or other Bench or of one of our Justices appointed to hold the Assizes in the County Palatine¹ of Lancaster AND therefore We command the said Recorder for the time being that to keeping the Peace Ordinances Statutes and all and singular other the Premises he diligently apply himself And that at certain days and places which he shall appoint for these purposes into the premises he make enquiry and all and singular the premises hear and determine and perform and fulfil them in the aforesaid form doing therein what to Justice appertains according to the Law and Custom of England Saving unto Us the Amerciaments and other things to Us therefrom belonging AND We command by the tenor of these Presents the proper Officers of the aforesaid Borough that at certain days and places which the said Recorder shall make known to them they cause to come before him the said Recorder so many and such good and lawful men of the said Borough by whom the Truth of the matter in the Premises shall be the better known and inquired into WE WILL also and by these Presents grant that these our Letters Patent be duly made and sealed as well under our Great Seal of our United Kingdom of Great Britain and Ireland as under the Seals of our Duchy and County Palatine

1. This word is inserted in the original.

4 of Lancaster IN WITNESS whereof WE have caused these Our Letters to be made Patent WITNESS Ourselves at Westminster the third day of March in the sixth year of our Reign.

BY WRIT OF PRIVY SEAL

EDWARDS.

XIX. FIRST CHARTER OF VICTORIA

11 May, 1880

Documents relating to attempts to secure a New Charter. The history of the attempts to secure this Charter is the history of the foundation of the Bishopric of Liverpool, and does not fall within the scope of this volume.

Description. The original Charter, which is in the possession of the Corporation, is written on a single sheet of parchment, measuring twenty-seven and a half inches wide by twenty and three quarter inches deep. On the Charter is a blue £30 stamp. There is no embellishment, or decoration, but a red line is drawn after each line of the writing, and the margins also are ruled with red lines. The headline is in large German text, the rest in an ordinary engrossing hand. There is a seal about 3 inches in diameter, which is a reproduction of the counterseal of the Great Seal; it is not pendant but en placade, embossed on red glazed paper. The Queen is enthroned and crowned, holding a sceptre in the right hand, and an orb in the left. On the right side of the Queen is seated Justice, on the left side Religion, below are the royal arms crowned and within the garter. The legend is VICTORIA · DEI · GRATIA · BRITANNIARUM · REGINA · FIDEI · DEFENSOR. The Charter is kept in a leather box.

Copies. There is a copy in the *Trans. Hist. Soc. Lanc. and Ches.* vol 36, 1884, pp. 84-5.

Docquet. There is no docquet of this Charter.

ABSTRACT

1. Reasons for the Charter.
2. Elevation of Liverpool to the rank of City.
3. Witness and date.

1 VICTORIA BY THE GRACE OF GOD of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith To ALL TO WHOM THESE PRESENTS SHALL COME GREETING WHEREAS the Mayor Aldermen and Burgesses of the Borough of Liverpool in Our County of Lancaster have by their Memorial humbly represented unto Us that Our Royal Predecessor King John by His Charter dated on or about the twenty-eighth day of August in the ninth year of His Reign was graciously pleased

to incorporate the Inhabitants of that Town and Borough and their successors' That under and by virtue of an Act of Parliament passed on the sixteenth day of August in the forty second year of Our Reign and intituled "an Act to provide for the Foundation of four new Bishoprics in England" the Ecclesiastical Commissioners have certified to Us under their Common Seal that the Endowment Fund required by the said Act for the foundation of the Bishopric of Liverpool has been provided That the Memorialists prayed if it should please Us by Order in Council to found the said Bishopric that Our Royal Letters Patent authorizing the change in the name and denomination of the said Body Corporate and conferring upon Liverpool the title of "City" and declaring that the Memorialists shall be hereafter called and known as "The Mayor Aldermen and Citizens of the City of Liverpool" might be issued The Memorialists therefore most humbly prayed that We should be graciously pleased to authorise and direct the issue of a Royal Charter conferring upon Liverpool the Title of City and upon the Memorialists the name and description of "The Mayor Aldermen and Citizens of the City of Liverpool" AND WHEREAS the said Bishopric has been duly founded and We are minded

2 to accede to the prayer of the said Memorial Now THEREFORE KNOW YE that We of Our especial grace and favour and mere motion Do by this Our Royal Charter Will Ordain constitute declare and appoint that Our said Borough of Liverpool shall henceforth for the future and for ever hereafter be a CITY and shall be called and styled "THE CITY OF LIVERPOOL IN THE COUNTY OF LANCASTER" instead of the Borough of Liverpool and shall have all such rank liberties privileges and immunities as are incident to a City AND WE FURTHER DECLARE AND DIRECT that the said Mayor Aldermen and Burgesses of Our said Borough of Liverpool shall henceforth and by virtue of this Our Royal

1. This statement is an absolute blunder.

Charter be one Body Politic and Corporate by the name and style of "The Mayor Aldermen and Citizens of the City of Liverpool" with all such and the same powers and privileges as they have hitherto had as the Mayor Aldermen and Burgesses of the Borough of Liverpool and as if they had been incorporated by the name of the Mayor Aldermen and Citizens of the City of Liverpool instead of the Mayor Aldermen and Burgesses
 3 of the Borough of Liverpool IN WITNESS whereof We have caused these Our Letters to be made Patent WITNESS Ourselves at Our Palace at Westminster the eleventh day¹ of May¹ in the forty third year of Our Reign.

BY HER MAJESTY'S COMMAND.

CARDELY.

XX. SECOND CHARTER OF VICTORIA

3 August, 1893.

Description. The original, which is in the possession of the Corporation, is written on one sheet of parchment measuring twenty-one inches and a half deep by twenty-six inches wide, on which is a £30 stamp. There is no decoration, but the margins are ruled with red lines. The writing is only fair. The Great Seal, in yellow wax in excellent preservation, is attached by a red and yellow plaited cord. The diameter is 6.4 inches. The Queen is on horseback moving to the left, holding in the right hand a sceptre and in the left the reins; the horse is led by a page in sixteenth century costume. Below is the head of Neptune strident between two oak branches. The legend is: VICTORIA DEI GRATIA BRITANNIARUM REGINA FIDEI DEFENSOR, and between each word is a rose between oak leaves. On the counterseal is the Queen enthroned and crowned, holding a sceptre in the right hand and in the left an orb. On the right side of the Queen is seated Justice, on the left side Religion, below are the royal arms crowned and within the garter. Round the edge in place of a legend is a scroll of roses and oak branches. The Charter is kept in a leather box.

Copies. The Charter has, as far as I know, never been printed in a permanent form.

VICTORIA BY THE GRACE OF GOD of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith To ALL TO WHOM THESE PRESENTS SHALL COME, GREETING : WHEREAS Our Royal Predecessor King John by His Charter dated on or

1. These two words in the original are written in a different hand.

about the twenty eighth day of August in the ninth year of his reign was graciously pleased to incorporate the Inhabitants of the Town and Borough of Liverpool and their successors by the title of The Mayor Aldermen and Burgesses of the Borough of Liverpool AND WHEREAS We by Our Royal Charter dated the eleventh day of May in the forty third year of Our reign did constitute the said Borough of Liverpool a City and did declare that the Mayor Aldermen and Burgesses of the said Borough should thenceforth be one body politic and corporate by the name and style of the Mayor Aldermen and Citizens of the City of Liverpool NOW KNOW YE that Our will and pleasure is and WE DO HEREBY DECLARE AND ORDAIN that from and after the date of these presents the CHIEF MAGISTRATE now and for the time being of the said City of Liverpool shall be styled entitled and called LORD MAYOR OF LIVERPOOL AND WE DO HEREBY AUTHORIZE AND EMPOWER the Chief Magistrate of the said City of Liverpool now and for the time being henceforth at all times to assume and use and to be called and named by the style title and appellation of Lord Mayor of Liverpool and to enjoy and use all and singular the rights privileges pre-eminences and advantages to the degree of a Lord Mayor in all things duly and of right belonging IN WITNESS whereof We have caused these Our Letters to be made Patent WITNESS Ourself at Westminster the third day of August in the fifty seventh year of Our reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL

BLAIR MACKENZIE.



CHAPTER II

FEE FARM LEASES AND OTHER
DOCUMENTS

ILLUSTRATING THE HISTORY OF THE BOROUGH REVENUES

In this Chapter are given full texts, with translations, of all the Fee Farm Leases and documents relating to the tenure of the Fee Farm of Liverpool. There are, however, many periods for which no Fee Farm Leases exist, and these gaps have been supplied by excerpts from the Ministers' Accounts for the Duchy of Lancaster. Few if any of these Leases, etc., have ever been printed before. Baines in his History of Liverpool made use of the transcripts of many of them which are to be found among the Okill MSS., now in the possession of the Corporation; but in several instances Baines has been misled by errors in the transcripts, which are far from correct. Except in one or two cases which are specially noted, the texts given below are taken directly from the originals in the Record Office or in the Croxteth Muniment Room. The method of printing is the same as in the case of the Charters (see p. 153).

1. RENT OF ASSIZE. 1226.

The first hint of any rent paid for or on account of Liverpool is in 1226 (10 Hen : III), and is contained in the Great Roll of the Pipe for that year.

Willielmus Comes de Ferrar reddit. Ipse. . . . de ix li de redditu Assise de Lieuerpol.

William Earl Ferrars renders account. He himself . . . for £9 of the rent of Assize of Liverpool.

In the following year there is a similar entry. For the meaning of Rent of Assize, see *Introduction*, p. 22, n. 1

2. HENRY III'S FEE FARM LEASE TO THE MEN OF LIVERPOOL.

25 March, 1229.

Patent Roll, 13 Henry III, m 9. See *Introduction*, 21].

Villa de Leuerepul | Henricus dei gratia Rex Anglie etc uicecomiti et
tradita ad Firmam | omnibus balliuis suis de Comitatu Lancastrie Salu-
tem. Sciatis quod concessimus probis hominibus nostris de Leuerepul uillam
nostram de Leuerepul habendam ad firmam a festo Sancti Michaelis Anno Regni
nostri xiiij^o usque in quatuor Annos completos; Reddendo inde nobis singulis
Annis predictis ad Scaccarium nostrum per manum uicecomitis Lancastrie ad
duos terminos decem libras, uidelicet ad Pascham Anno regni nostri xiiij^o quinque
libras et ad festum Sancti Michaelis Anno eodem quinque libras, et sic de Anno
in Annum ad eosdem terminos decem libras sic predictum est. In cuius rei
testimonium has literas nostras patentes eis inde fieri fecimus. Teste meipso
apud Merlebergem xxv Die Marcij Anno regni nostri eodem.

Vill of Liverpool | Henry by the Grace of God King of England, etc., to the Sheriff
let to farm | and all his Bailiffs of the County of Lancaster, greeting. Know
ye that we have granted to our honest men of Liverpool our Vill of Liverpool
to be held at farm from the feast of St. Michael in the thirteenth year of our
reign for four full years; Paying therefor unto us in each of the aforesaid years at our
Exchequer by the hand of the Sheriff of Lancaster at two times £10, namely, at Easter
in the thirteenth year of our reign £5, and at the feast of St. Michael in the same year £5,
and so from year to year at the same times £10, as is aforesaid. In witness whereof we
have caused these our letters to be made patent. Witness myself at Marlborough, on
the twenty-fifth day of March in the same year of our Reign.

3. EXCERPT FROM MINISTERS' ACCOUNTS. 1256.

Ministers' Account: General Series: Bundle 1094, No. 11. 40-41 Hen. III. See *Introduction*, 39].

Compotus Balliuorum domini Edwardi illustrissimi Regis Anglie primo-
geniti auditus ad scaccarium Bristollie coram Dominis Abbati de Kingswode
Galfrido de Caus et Elia de Cumb, Thesaurario, et Thoma de Boulton Clerico,
de exitibus terrarum dicti domini Edwardi, Anno regni regis predicti xl primo.

West derebisir

Liuerpol cum Membris

Henricus de Lee Balliuus reddit compotum per predictum tempus.

Idem reddit compotum de xⁱⁱ de uilla de Liuerpol posita ad firmam cum
tolnetis stallagio passagio, cum duobus molendinis aquaticis et uno alio ven-
tritico, de termino Annunciationis.

The account of the Bailiffs of the lord Edward, eldest son of the most illustrious King
of England, heard at the Exchequer at Bristol before the lords the Abbot of Kingswood,
Geoffrey de Caux and Elias de Cumberland Treasurer, and Thomas de Bolton Clerk,
concerning the revenues of the lands of the said lord Edward, in the forty-first year of
the reign of the aforesaid King.

West Derbyshire

Liverpool with its members.

Henry de Lee, Bailiff, renders account for the aforesaid time.

He renders account for £10 for the vill of Liverpool placed at farm, with the tolls,
stallage, passage, with two Water Mills and one Wind Mill, from the term of the
Annunciation.

4. INQUISITIO POST MORTEM OF EDMUND EARL OF LANCASTER. 1298.

[Inquis. post mortem 25 Ed. I, No. 51. See *Introduction*, 40].

. . . . Et dicunt quod redditus assise de Lyuerpol ualet per annum viij^s vij^s vjd. Item herbagium gardini cum columbario x^s. Et passagium ultra Mersey xxij^s viij^sd. Et sunt ibi duo Molendina unum aquaticum et aliud ad uentum^o et ualent per annum v marcas. Nundine et tolmeta fori cum forinis tolnetis ualent circiter x libras, perquisiciones curie eiusdem uille ualent circiter xl per annum.

Summa xxv^s vj^s x^d.

And they say that the rent of the assise of Liverpool is worth £8 7^s 6^d a year. Also the herbage with the dovecot 10^s, and the passage over the Mersey £1 2^s 8^d. And there are two mills there, one a watermill and the other a windmill, and they are worth 5 marks a year. The fairs and tolls of the market with foreign tolls are worth about £10; the perquisites of the court of the same town are worth about £2 a year. Sum £25 6^s 10^d.

5. EXCERPTS FROM PIPE ROLLS AND MINISTERS' ACCOUNTS. 1323—7.

[From Sept: 29, 1323 to Sept: 29, 1326 (i. e. from the attainder of Thomas Earl of Lancaster to the reversal of the attainder) the following entry appears practically without variation in the Pipe Rolls.

Debet respondi Regi . . . de pluribus firmis Wappentachij de Westderbie sicut contentum in dicto Rotulo xiiij dicti Regis Henrici, Quarum particule sunt . . . ix li de redditu assise de Liuerpol.

It ought to be accounted to the King . . . for several farms of the Wapentake of West Derby, as is contained in the fourteenth roll of the said King Henry (i.e. Henry III), of which the particulars are . . . £9 for the rent of the Assize of Liverpool.

The following entry, however, repeated almost without change annually, from 1323 to 1327, shows that much more substantial revenues were derived from Liverpool than were anticipated by the Exchequer, from what the old Pipe Rolls of Henry III told them.

[L.T.R. Enrolled Accounts, Miscel. 14, m 76 d].*

Account of William de latham, parson of the Church of Halton, receiver of the issues which were of Thomas late Earl of Lancaster, and of other rebels and enemies of the King, by writ patent dated 5 April 15 Edward II

. . . . Of £9 of rent of assize of Liverpool he does not answer here, because he answers for them below in his account of the issues of the town of Liverpool

[Ibid m 77]

Of the site of the Castle of Liverpool there are no issues as he says for the time of this account.

£8 7^s 0^d. of assize rent of the borough of Liverpool which was of Robert de Holand in the Wapentake of Derby in co. Lanc. being in the King's hand by forfeiture of the

* From a transcript kindly lent by Mr. W. FARRER.

said Robert., t. Annunc. B.M. and St. Mich. as contained in the said roll.—1^d. of certain rent of the borough of the town of Liverpool for one plat of turbary there.—£10 of the farm of the toll of the stallage of the market and fair there at the feast of St. Martin, so let to farm to Richard de Sussex for three years from the feast of St. Michael in the sixteenth year, viz., at £10 per annum by Robert de Nottingham and John Travers hereto deputed, as appears above.—56^s. 8^d. of farm of passage of the King's boat in Mersee this year.—13^s. 4^d. of farm of one dovecot and the fruit of one garden under the Castle there, so let to farm by the said Robert and John, same term. 4^s. of farm of one burgage before the gate of the Castle, same term.—£4 6^s. 8^d. of farm of one horsemill and one windmill so let to farm at same term.—66^s. 8^d. of farm of 40 acres of land in Saltismore so let to farm this year.—65^s. 8^d. of pleas and perquisites of the Court of the same burgage [? borough] this year, which said vill was wont to pay to the King £9.

Sum £33 0^s. 1^d.

Out of which :—

He accounts for 6^s. 8^d. of the expenses incurred in carrying one pair of old millstones which were of a windmill at Orrell pulled down before the forfeiture of Robert de Holand, carried from the said vill of Orrell to the town of Liverpool for a windmill there which stands idle for want of millstones.—20^d. in mending the roof of a large room in the said Castle of Liverpool at the coming of the King.—£4 11^s. 0^d. in wages of one doorkeeper and one watchman having custody of said castle from Michaelmas day 17 Ed. 11 up to the same feast in the 18th year, for 364 days, each taking by the day 1½^d. for their food and stipend.

Sum, £4 19^s. 4^d. And he owes £28 0^s. 9^d.

And answers within in the end of the account.

[Then follows a detailed specification of the plenishment of the castle as received by the royal bailiff and handed over by him at the end of his year of office].

6. INQUISITIO POST MORTEM OF THOMAS EARL OF LANCASTER. 1327

[Inquis. post mortem 1 Ed. III, No. 88, m 30].

. . . Item dicunt quod est apud Liuerpoll quoddam castrum cuius fossatum et herbagium ualent per Annum ij^s. Et est ibidem unum columbarium subtus Castrum, Et ualet per Annum vj^s viij^d. Et est ibidem quidem burgus in quo sunt diuersi liberi tenentes in burgagio, et reddunt per Annum viij^s vij^s ad terminos Annunciacionis beate Marie et sancti Michaelis per equales porciones. Et est ibidem quoddam Mercatum, tentum die Sabbati, cuius tolnetum ualet per Annum x^s. Et est ibidem quoddam passagium ultra aquam de Mersee et ualet per Annum xl^s. Et est ibidem unum molendinum uentriticum et ualet per Annum xxvj^s. Et est ibidem unum molendinum, Et reddit per annum xxiiij^s ad terminum sancti Michaelis pro toto Anno. Et est ibidem quedam feria tenta die sancti Martini in hyeme, cuius tolnetum ualet per Annum xiii^s iiij^d. Et est ibidem quidem parcus qui uocatur Toxtath, cuius herbagium in estate ualet per Annum xj^s.

Also they say that there is at Liverpool a certain castle whose fosse and herbage are worth 2^s. annually. And there is there one dovecot under the castle, and it is worth 6^s. 8^d. annually. And there is there a borough in which are several free tenants in burgage, and they pay £8 7^s. 0^d. annually at the terms of the Annunciation of the Blessed Mary and of

Michaelmas, by equal portions. And there is there a market held on Saturday, whose toll is worth £10 annually. And there is there a passage over the water of the Mersey, and it is worth 40^s. annually. And there is there one windmill, and it is worth 26^s. annually. And there is there one mill and it pays 24^s. annually at the term of Michaelmas for the whole year. And there is there a fair held on St. Martin's day in the winter, whose toll is worth 13^s. 4^d. annually. And there is there a park called Toxteth, whose herbage in summer is worth £11 annually.

7. EXTENT OF THE LANDS OF HENRY DUKE OF LANCASTER. 1346.

[Addit. MSS., 32, 103, fo. 140].¹

Extentum terrarum et tenementorum Domini ducis Lancastrie factum coram Willielmo Lawrence et Willielmo Blaby ad hoc per consilium domini assignatis, mense maij Anno regni regis Edwardi tercij post conquestum uicesimo, 1346.

Lyuerpole. Extentum ibidem factum in Crastino sancti Barnabe apostoli a supradictis per sacramentum Rogeri [de] le mor et Roberti del mor, Richardi de Walton, Ade Williamson, Juratorum, et Richardi filij Roberti et Johannis Broun, Balliuorum. Qui dicunt super sacramentum suum quod est ibidem quoddam Castrum quattuor turrium [cum] Aula Camere, Capella, Bruaria et piscaria cum quodam puteo et pertinentibus edificatis, cuius situs nil ualet per annum ultra reparaciones domuum. Item est ibidem herbagium fossati circa castrum quod ualet per annum [].² Item [est ibidem] quoddam pomarium continens in circuitu []. Et quoddam columbarium lapideum subtus eodem cuius pomarii herbagium cum ffructu et lapideo columbario affirmant per annum ad xij^s iij^d. Item est ibidem quoddam gurgitum uocatum le ffisheyard iuxta parcum de Toxtath pro piscibus capiendis ibidem quod affirmant per Annum ad vj^s. Batellagium passagij (or Batellagium et passagium) inter Lyuerpole et Birkenhead precij lx^s; molendinum uentriticum et molendinum equicium precij vj^{li} iij^s iij^d; nundina per tres dies ad festum Sancti Martini et Sancti Marcij per diem sabbati per annum precij vj^{li} xij^s ii^d. Que quidem Batellagium, passagium, molendina et Tolneta affirmant per annum, xxiiij^{li} et de Cetero ad xxvj li [] ad festum Sancti Michaelis Anno Regni Regis nunc xx^o ad terminum. Ita quod firma [] huic termino Ba [] precij viij^s. Item perquisita ij magnarum curiarum et curie tente a tribus septimanis in tres septimanas ualent per annum iij^{li}. Est ibidem [parcus?]. Toxtath qui ualet per annum vj^s viij^d. . . . Item dicunt quod sunt ibidem Clxviij Burgenses qui tenent [burgagia sua] de domino ut parcella manerij de [West Derby] pro una Carucata terre prout compertum per inspectionem extenti facti Anno Regni Regis Edwardi aui Regis nunc primo, reddentes pro

1. From a transcript kindly lent by Mr. W. Farrer. Unfortunately it is taken from a poor transcript of a missing original.

2. Blanks in the original

quolibet Burgagio xij^d per annum terminis Annunciacionis beate marie et sancti Michaelis, et [faciendo] ij aduentus [ad Curiam] nomine seruicij [Qui quidem] burgenses clamant libertates adscriptas per cartam domini Johannis nuper Regis Anglie et confirmatas per dominum Regem nunc, vizt., quod habeant omnes libertates et liberas consuetudines in uilla de Liuerpole quas aliquis liber Burgus super mare habet una cum gilda mercatoria cum hansa et alijs consuetudinibus ad illam gildam pertinentibus, et quod nullus mercandizam aliquam in predicto Burgo faciet nisi sit de gilda illa seu ex uoluntate Burgensium. Ita quod habeant soc et sak, thol et theam, infangenthefe et quod quieti sint per totum Regnum Anglie et per omnes portus maris de theolonio lestagio passagio et stallagio.

Extent of the lands and tenements of the lord Duke of Lancaster made before William Lawrence and William Blaby appointed for this purpose by the Duke's Council, in the month of May in the twentieth year of the reign of King Edward the third after the conquest.

Liverpool. The extent there made on the morrow of St. Barnabas the Apostle by the aforesaid on the oath of Roger le Mor and Robert del Mer, Richard de Walton, Adam Williamson jurors and of Richard son of Robert and John Brown bailiffs; who say on their oath that there is there a castle with four towers, hall, chambers, chapel, heath and fishpond, with a well and buildings appertaining thereto, whose site is worth nothing by the year beyond the repairs of the houses. Also there is there the herbage of the fosse around the castle which is worth by the year []. Also there is there an orchard contained in the circuit [], and a stone dovecot below the same, the herbage of which orchard with the fruit and stone dovecot they affirm at 12^s. 4^d. by the year. Also there is there a pool called the fishyard near the Park of Toxtath for catching fish which they affirm at 6^s by the year. The boat and passage between the ferry of the Pool and Birkenhead at 60^s.; a windmill and horsemill at £6 3^s. 4^d.; a fair for three days at the feast of St. Martin and of St. Mark on Sunday at £6 13^s. 4^d. by the year. Which battellage, passage, mills, and toll they affirm at £24 a year, and the rest at £26 [] at the feast of St. Michael in the twentieth year of the reign of the present King. So that the farm [] at this term [] also the perquisites of the two great courts and of the court held every three weeks are worth by the year £4. There is also there a Park of Toxtath which is worth by the year 6s. 8d. . . . Also they say that there are there 168 Burgesses who hold [their burgages] from the lord as parcel of the Manor of West Derby for one carucate of land as it is known by inspection of the extent made in the first year of the reign of King Edward grandfather of the present King, paying for each burgage 12^d. per year at the terms of the Annunciation of the Blessed Mary and St. Michael, and making two attendances at Court by the name of service. The burgesses claim the liberties assigned by the charter of the lord John late King of England and confirmed by the lord the present King, vizt.: that they may have all liberties and free customs in the town of Liverpool which any free Borough on the sea has, together with a Gild Merchant with a hanse and other customs appertaining to that Gild, and that no one shall transact any business in the aforesaid Borough unless he is of that gild or by the consent of the burgesses. So that they may have soc and sac, toll and theam, infanthenethef, and that they may be free throughout all the realm of England, and through all seaports from tollage, lastage, passage, and stallage.

8. EXTENT OF THE LANDS OF HENRY II DUKE OF LANCASTER. 1348.

[Duchy of Lanc. *Accounts* (various), Bundle 32, No. 17. Abstract of *Ministers' Accounts* of lands of Henry, Duke of Lancaster. See *Introduction*, 46].

Lyuerpull Balliui ibidem respondunt De j^d de Burgensibus uille de Lyuerpull pro xij acris turbarie in le Mos In escambio pro j placea inclusa infra Parcum per cartam Thome nuper Comitis, termino Michaelis. Et de vj^a viij^d de redditu Johannis de Wamburgh et heredum de corpore ipsius Johannis per Cartam Henrici Comitis patris domini pro tribus partibus unius Burgagie et v selionibus terre que deuenerunt in manus domini per mortem Johannis Botiller Bastardi, terminis Annunciacionis et Michaelis. Et de iij^a de redditu tercię partis dimidie Burgagie uocate Longestable ante portam Castri equalibus terminis, ultra j Burgagie in manu Dyonis Kelyng per seruicium inueniendi stabulum pro xij equis pro singulis aduentibus domini infra dictum Burgum. Et de viij^a iij^a x^d obq^a de redditu clxiiij Burgagiarum tribus partibus viij^a parte xlviiij parte Burgagie in uilla de Lyuerpull et terminis ut in rentali. Et de xiiij^d q^a onerato super compotum de redditu j Burgagie viij partis et xvj partis unius Burgagie sic in rentali de numero Burgagiarum ut supra, termino Michaelis. Et de iij^d de incremento redditus Willielmi de Lyuerpull Clerk pro dimidio Burgagie quondam Henrici filij Johannis de Walker. Et de xviiij^d de redditu Johannis Bacon pro j Cotagio super fossatum Castri ad uoluntatem et terminis, et totum paret per nouum rentale, Et de lxvij^a vj^d de redditu xl acrarum dimidij terre in Saltenesmor terminis Annunciacionis et Michaelis ut in dicto rentali. Et de vij^a iij^d ob q^a de redditu xiiij acrarum dimidij et dimidij terre turbarie in le Mos et terminis ut in rentali.

Summa xij^a xiiij^a iij^d ob q^a

Firma tolneti stallagij Mercati, Nundine uille de Lyuerpull passagij batelle, j molendini equicij ij molendinorum uentriticorum dimissorum Johanni filio Willielmi del Mor terminis Annunciacionis et Michaelis xxvj li. Firma Ricardi de Walton pro herbagio et fructu gardini cum exitibus Columbarij ad terminum viij annorum hoc anno j^o xv^a terminis Pasche et Michaelis, herbagio fossati Castri quod extenditur ad xvj^d, finibus per ingresum perquisitis Curiarum, perquisitis Portmorttorum customis Ancoragio Wrecco maris uagis saxuris eschaetis piscario de Mersee []¹ quibus iij^a allocati Benedicto le stedman de annuo redditu cuiusdam tenementi quod dominus Henricus comes pater domini nunc remisit eidem Benedicto pro seruicio suo ad terminum uite sue : quam remissionem dominus Comes nunc confirmauit et ratificauit ad totam uitam ipsius Benedicti.

Extent of the Lands of Henry of Lancaster 1348.

Liverpool The Bailiffs there answer for 1^d. from the Burgesses of the town of Liverpool for 12 acres of turbary in the moss in exchange for one place included within the Park by the charter of Thomas the late Earl at the term of Michaelmas: and for 6^s. 8^d. for the rent of John de Wamberg and the heirs of the body of the same John by the charter of Earl Henry, father of the Lord, for three parts of a burgage and five selions of land which fell

1. A blank in the original.

into the hands of the lord by the death of John Botiller, a bastard, at the terms of the Annunciation and St. Michael: and for 4^s. for the rent of the third part of half a burgage called Longstable before the gate of the Castle at equal terms: further one burgage in the hands of Denis Kelyng by the service of finding stabling for 12 horses at each arrival of the lord within the said Borough: and for £8. 4^s. 10^d. for the rent of 164 burgages three parts, an eighth part and a forty-eighth part of a burgage in the town of Liverpool at the terms as in the rental: and for 1^s. 2^d. charged upon the account for the rent of one burgage, the eighth part and the sixteenth part of one burgage as in the rental of the number of burgages as above at the term of St. Michael: and for 3^d. for the increased rent of William de Liverpool, clerk, for half a burgage formerly belonging to Henry, son of John de Walker at equal terms: and for 1^s. 6^d. for the rent of John Bacon for one cottage upon the ditch of the Castle at will at the terms, and all which appears by the new rental: and for £3. 7^s. 6^d. for the rent of 40 acres and a half of land in Saltenesmor at the terms of the Annunciation and St. Michael, as in the said rental: and for 7^s. 3^d. for the rent of 14 acres and a half, and half a rood of turbary in the moss at equal terms as in the rental.

Sum £12. 13^s. 4^d.

For the farm of the toll, stallage of the market and fair, of the town of Liverpool, the passage of the boat, one horse mill and two windmills let to John, son of William del More at the terms of the Annunciation and St. Michael £26: for the farm of Richard de Walton for the herbage and fruit of the garden with the issues of the dovecot for a term of eight years, this year being the first, 15^s. at the terms of Easter and St. Michael: for the herbage of the ditch of the Castle which is extended to 1^s. 4^d. for fines for entry, for perquisites of courts, for perquisites of portmotes, for customs, for anchorage, for wreck of the sea, waifs, estrays, escheats, for fishery of the Mersey.¹ Of which 4^s. is allowed to Benedict le Steadman for the yearly rent of a certain tenement, which the lord Earl Henry, father of the present lord, has remitted to the same Benedict for the term of his life in return for his service; which remission the lord the present Earl has confirmed and ratified for the whole life of the same Benedict.

9. HENRY DUKE OF LANCASTER'S FEE FARM LEASE TO WILLIAM SON OF ADAM, ETC.

24 March, 1357.

[Duchy of Lanc. Chancery. Rolls No. 2; Patent Rolls, Henry of Lanc., dorso No. 3. See Introduction 47]

Dux omnibus ad quos etc Salutem. Sciatis quod concessimus et ad firmam dimisimus Willielmo filio Ade de Lyuerpull, Johanne del More de Lyuerpull, Willielmo de Lyuerpull clerico Alexandro Comyn, Willielmo de Grenelf, Ricardo de Aynesargh, Ade filio Ricardi de Lyuerpull, et Roberto filio Mathei de Lyuerpull uillam nostram de Lyuerpul cum pertinentij una cum omnibus molen-
dinis nostris eiusdem uille simul cum redditibus et firmis quibuscumque in eadem uilla ad nos pertinentibus, necnon passagium aque de Merese, capiendo inde prout antiquitus de iure capi solebat, ac perquisiciones curiarumstrarum eiusdem uille per eosdem Willielmum Johannem Willielmum Alexandrum Ricardum Adam et Robertum tenendarum una cum parcellis turbarie subtus

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parcum nostrum de Toxtath que ad manus nostras seu antecessorum nostrorum per mortem aliquorum tenencium nostrorum eiusdem uille de iure deuenerunt : Ita quod fodere possint in eisdem parcellis et turbarijs turbas pro focali suo proprio et eas siccare et cariare per uoluntatem suam. Concessimus eciam eisdem Willielmo Johanni Willielmo Alexandro Willielmo Ricardo Ade et Roberto emendas assise panis et ceruisie, foroccupatorum, forstallatorum, carnificum, tannatorum et pacis fracte, et totum theolonium uille predicte, capiendū illud prout antiquitus de iure capi solebat una cum omnibus alijs proficuis ad nos pertinentibus in eadem uilla ; Saluo tamen nobis pomario subtus castrum nostrum dicte uille et herbagio fossati eiusdem castri, wrecco maris, uagis et stragis, et forisfactura terrarum et catallis felonum et fugitiuorum, si que fuerint ; Habendum et tenendum de nobis et heredibus nostris a festo Sancti Michaelis Archangeli proxime precedente usque ad finem decem annorum et plenarie complendorum ; Reddendo inde nobis et heredibus nostris per annum quinquaginta marcas ad festa Pasche et Sancti Michaelis Archangeli per equales porciones pro omnibus que ad nos uel heredes nostros pertinent in eadem uilla. Volumus eciam et concedimus quod nullus de predicta uilla implacitetur in comitatu uel in wapentachio de debito transgressione conuencione seu alijs rebus personalibus quibuscunque in predicta uilla emergentibus durante termino supradicto. Ita semper quod ijdem Willielmus Johannes Willielmus Alexander Willielmus Ricardus Adam et Robertus facient et reparabunt molendina predicta sumptibus suis proprijs capiendū maeremium sufficiens ad molendina predicta facienda et reparanda, quociens opus fuerit, in parcis nostris de Toxtath et Croxtath et bosco nostro de Symondswode per uisum et liberacionem forestariorum nostrorum ibidem. In cuius etc. Teste Henrico de Walton Archidiacono Richemundi locum Ducis tenente in ducatu predicto apud Lancastriam xxiiij die Marcij. . . . per ipsum Ducem nunci, . . . J Cokayn senescallum ipsius Ducis.

The Duke to all to whom etc. greeting. Know ye that we have granted and let to farm to William son of Adam of Liverpool, John de More of Liverpool, William of Liverpool, clerk, Alexander Comyn, William de Grenelf, Richard de Aynesargh, Adam son of Richard of Liverpool and Robert son of Thomas of Liverpool, our town of Liverpool with the appurtenances together with all our mills of the same town together with the revenues and farms whatsoever belonging to us in the same town and also the passage of the water of the Mersey, taking therefrom as it was of old rightly wont to be taken, and the perquisites of our courts of the same town to be held by the same William, John, William, Alexander, William, Richard, Adam and Robert, together with the parcels of turbary under our park of Toxteth which have rightly come into our hands or those of our predecessors by the death of any of the tenants of the same town ; so that they may dig in the same parcels and turbaries turves for their own fuel, and cut and carry them at their pleasure. We have granted also to the same William, John, William, Alexander, William, Richard, Adam and Robert the emendations of the assize of bread and ale, of foreoccupiers, forestallers, butchers, tanners, and of breaches of the peace, and to take the whole toll of the aforesaid town as it was of old wont to be taken, together with all other profits belonging to us in the same town : saving however to us the orchard under the Castle of the same town, and the herbage of the ditch of the same Castle, wreck

1 Illegible in the original, which throughout is very difficult to read.

of the sea, waifs and strays and forfeiture of lands and of chattels of felons and fugitives if any shall be : to have and to hold from us and our heirs from the feast of St. Michael the Archangel last preceding unto the end of ten years fully to be complete ; paying therefor to us and to our heirs 50 marks yearly at the feasts of Easter and of St. Michael the Archangel by equal portions for all things which belong to us or to our heirs in the same town. We will also and grant that no one of the aforesaid town shall be impleaded in the county or in the wapentake for debt, trespass, covenant or other personal matters whatsoever arising in the aforesaid town during the aforesaid term. Provided always that the same William, John, William, Alexander, William, Richard, Adam and Robert shall make and repair the aforesaid mills at their own proper costs, taking sufficient timber for making and repairing the aforesaid mills, as often as need shall be, in our parks of Toxteth and Croxteth and in our wood of Simondwood by the view and livery of our foresters there. In witness whereof Henry of Walton, Archdeacon of Richmond, locum tenens of the Duke in the aforesaid Duchy at Lancaster, on the twenty-fourth day of March.

By the Duke himself through J. Cokayn,
Seneschal of the Duke.

10. JOHN OF GAUNT'S GRANT TO RANKYN D'YPRES.

16 July, 1372.

[Duchy of Lanc. Misc., Vol. 13 (Register of John Duke of Lanc., pt. I, fo. 122b). This deed though not falling into the regular series, shows that a lease (now lost) existed between 1367 (when No. 9 expired) and 1374 the date of No. 11. See *Introduction* 47-8].

Ceste endenture faite par entre nostre seigneur Johan Roy de Castille et de Leon, duc de Lancastre, d'une part, et Rankyn Dypres esquier d'autre part tesmoigne : que le dit Rankyn est rentenuz et demorrez enuers nostre dit seigneur par pees et par guerre a terme de sa Vie en maniere qu'ensuit : C'est assauoir en temps de pees le dit Rankyn sera a bouche en Courte en maniere come autres esquiers del houstel nostre dit seigneur. Et pour ses feez en temps de pees nostre dit seigneur ad donez et grantez au dit Rankyn dys et sept marcz sys souldz et oct deniers outre cents souldz queles il ly ettroia nadgaires apprendre des issues del manoir de skerton. Issint que nostre dit seigneur uoet que le dit Rankyn eit et preigne en temps de peas a terme de sa Vie en tout Vint et cynk marcz desterlinges de la ferme de la Ville de Lyuerpol par les maynes del Receyuour nostre dit seigneur celles parties, qui pour le temps sera, as termes de saint Michel et de Pasques par ouelles porcions. Et par la guerre le dit Rankyn sera tenuz a seruir nostre dit seigneur et de trauailler a foer de guerre quelles parties que ly plerra ; Et prendra pour son fee par un an de guerre Vint liures desterlinges de la dite ferme par les maynes del dit Receyuour a les termes auantditz et tieles gages come autres esquiers de sa condicion prendront. Et uoet et grante nostre dit seigneur que si le dit rent de Vint e cynk marcz en temps de pees ou les ditz uint liures en temps de guerre soient aderiere en partie ou en tout par Vn moys apres nul des termes auantditz, bien lise au dit Rankyn en la dite Ville e checune parcelle dycelle destreyndre et les distresses retenir tanque pleine gree ly soit fait ensemblement oue les arrerages, si nulles ly soient de ez. Et commencera son an de guerre le jour qu'il se remuera de son houstel

enuers le dit nostre seigneur par ses lettres quelles ly en seront enuoiez. Et delors prendra gages en uenant en retournant par resonable iournez en maniere comme autres esquiers de sa condicion prendront. Et auera le dit Rankyn covenable eskippeson pour ly, ses gentz, chivalx, et autres harnoises come reson demandra. Et endroit de ses chivalx de guerre preisez et perdiez en le seruice nostre dit seigneur, et aussint des prisoners et autres profitz de guerre par ly ou nul de ses gentz prises ou gaignez le dit nostre seigneur ferra au ly come il ferra ad autres esquiers de sa condicion. En tesmoignance etc. Donez a la Sauuoye le xvj iour de Juyllet lan etc dengleterre quarante sisme et de ffrance xxxiij.

This indenture made between our lord John, King of Castile and Leon, Duke of Lancaster, on the one part, and Rankyn d'Ypres, esquire, on the other part, witnesseth That the said Rankyn is retained and dwelling with our said lord for peace and for war, for the term of his life, in manner following: that is to say, in time of peace the said Rankyn will be at board at court like the other squires of the household of our said lord; and for his fees in time of peace, our said lord has given and granted to the said Rankyn 17 marks 6^s. 8^d. besides 100^s. which he has lately granted to him, to be taken from the revenues of the Manor of Skerton, also that our said lord wills that the said Rankyn should have and take in all, in time of peace for the term of his life 25 marks sterling from the farm of the town of Liverpool by the hands of the Receiver of our said lord who shall be for the time being in those parts, at the terms of St. Michael and Easter by equal portions. And for the war, the said Rankyn shall be bound to serve our said lord and to travel in time of war to what parts he shall please; and he shall take for his fee for one year in time of war £20 sterling from the said farm by the hands of the said Receiver at the aforesaid terms, and such wages as other squires of his condition shall take. And our said lord wills and grants that if the said rent of 25 marks in time of peace, or the said £20 in time of war be in arrears, in part or in whole, for one month after any of the aforesaid terms, it shall be lawful for the said Rankyn to distrain in the said town and any part thereof, and to retain the distresses until full satisfaction be made to him, together with the arrears, if any be due to him. And he shall begin his year of war on the day on which he shall move from his house towards our said lord, by his letters which shall be sent to him. And thenceforth he shall take wages in coming and returning by reasonable journeys, as other squires of his condition shall take. And the said Rankyn shall have convenient shipping for himself, his people, horses, and other baggage as shall be reasonable. And in right of his horses of war, taken and lost in the service of our said lord, and also of prisoners and other profits of war taken or gained by him or any of his people, our said lord shall do to him as he shall do to other squires of his condition. In witness etc. Given at the Savoy, on the sixteenth day of July, in the forty-sixth year of England and thirty-third of France.

11. JOHN OF GAUNT'S FEE FARM LEASE TO WILLIAM SON OF ADAM, ETC.

18 Nov., 1374

[Duchy of Lanc. Misc., Vol. 13; Register of John, Duke of Lanc., f. 213b. See Introduction 47].

Johan etc a nostre bien ame William de Neofeld nostre Seneschal en le Counte de Lancastre, saluz. Parce que nous auons entenduz que uous auez laisse a ferme a William filz Adam de Liuerpole, Richard de Aynsargh, Johan de Hutt et a Johan de Wolueton de Liuerpoll ou touz les profitz dycel a terme de dys.

anns par mesmes les couenantz et condicions que il ad este laisse a ferme par nous auant ces heurs et qils paieront pour mesme la uille deux marcz en encrese pluis que soleit estre laisse a ferme par deuant, uous mandons que les personnes auantnamez soeffrey auoir a ferme la dite uille en et par mesme la maniere que vous la leur auez laisse. Et cestes etc. Donez a Sauoye le xviiij iour de Novembre lan xlviiij.

John etc To our well-beloved William de Neofeld our Steward in the County of Lancaster, greeting : Whereas we have understood that you have let to farm to William Fitz Adam of Liverpool, Richard de Aynsargh, John de Hull and John de Wolveton of Liverpool [the vill of Liverpool] with all the profits thereof, for the term of ten years, on the same covenants and conditions on which it has been let to farm by us before, and that they are to pay for the same vill two marks increase more than it was wont to be let for at farm before ; we command you that you allow the afore-named persons to have the same vill at farm in and by the same manner that you have let it to them. And these etc. Given at Savoy on the eighteenth day of November in the forty-eighth year.

12. JOHN OF GAUNT'S FEE FARM LEASE TO THOMAS DE MORE ETC.

10 Aug., 1393.

[The original lease of John of Gaunt is lost. The confirmation by Henry IV should be in existence, but I have been unable to discover the original of it. A copy of the confirmation is given in *Gaunt's Fragments*, 352, but there is no hint given concerning the original. *OKILL* (vol. V, p. 131) says that the original had not then been discovered (in 1836), but that his copy (from which this and the next document are taken) is made from a manuscript in the possession of Lord Stanley. *BAINES* in giving a translation, states that it is made from a 'MS. in possession of the Right Hon. the Earl of Derby. Perhaps *OKILL* meant Lord Derby when he wrote Lord Stanley, although this is not probable. I cannot find any copy of this lease or of the confirmation by Henry IV at Croxteth, and Mr. Radcliffe assures me that he does not think there is such a document there. Mr. Hornby says there is no copy of this lease at Knowsley, but it is of course possible that it may have been mislaid since *OKILL*'s time. On this lease see *Introduction*, 48.]

Johannes filius Regis Anglorum dux Aquitanie et Lancastrie comes Derby Lincolnie et Leicestrie senescallus Anglie Omnibus ad quos presentes littere pervenerint, Salutem. Sciatis quod concessimus et ad firmam dimisimus Thome de la More de Leuerpull, Roberto de Derby, Ricardo de Hulme et Willielmo de Raby uillam nostram de Leuerpull cum communi pastura iacente inter dictam uillam et parcum nostrum de Toxtath una cum omnibus molendinis nostris eidem uille pertinentibus, simul cum redditibus et firmis quibuscunque in eadem uilla pertinentibus, necnon passagio aque de Merece, capiendo inde sicut antiquitus capi solebat, Ac proficuis curiarum nostrarum eiusdem uille per eosdem Thomam Robertum Ricardum et Willielmum tenendarum una cum parcella turbarie subtrum parcum nostrum de Toxtath que ad manus nostras seu antecessorum nostrorum per mortem aliquorum tenentium nostrorum eiusdem uille de iure deuenerunt. Ita quod fodere possint in iisdem parcellis. Concessimus etiam eisdem Thome Roberto Ricardo et Willielmo emendas assise panis et servisie, forisfacturam forstallatorum, carnificum, tannatorum et pacis fracture et omnia alia que ad uisum franci plegij pertinent, licet effusio sanguinis facta fuit, ac etiam bona et catalla fugitiuorum et felonum infra predictam uillam emergentia,

ac etiam punissionem omnium laboriarorum infra dictam uillam manentium, de futuro inde prouenientum, et totum thelonium uille predicte, capiendo illud prout antiquitus capi solebat, una cum herbagio fossati castri nostri eiusdem uille cum uagis et stragis, urecco maris, et cum omnibus alijs proficuis in eadem uilla tam per mare quam per terram ad nos pertinentibus; Habendum et tenendum de nobis et heredibus nostris a festo Sancti Michaelis Archangeli proxime futuro post datum presentium usque ad finem septemdecem annorum proxime sequentium plenarie complendorum; Reddendo inde nobis et heredibus nostris per annum apud Liuerpoole quinquaginta et septem marcas argenti ad festa Pasche et Sancti Michaelis Archangeli per equales porciones pro omnibus que ad nos uel heredes nostros pertinent in eadem uilla. Volumus etiam et concedimus quod nullus de predicta uilla implacitetur in comitatu uel in wapentagio de debito transgressionem et conuencione seu alijs rebus personalibus quibuscunque in predicta uilla emergentibus. Ac etiam uolumus et concedimus quod nullus de predicta uilla ponetur in assis iurator seu recognitionibus aliquibus nisi pro terris et tenementis in predicta uilla emergentibus durante termino supradicto. Ita semper quod iidem Thomas Robertus Ricardus et Willielmus facient et reparabunt molendina predicta sumptibus suis proprijs capiendo sufficiens maeremium ad molendina predicta facienda et reparanda, quotiens opus fuerit, in parcis nostris de Toxstath et Croxstath et bosco nostro de Symondewood per uisum et liberationem forestariorum nostrorum ibidem. In cuius rei testimonium literas nostras fieri fecimus has patentes. Datum sub sigillo nostro apud castrum nostrum de Lancastrie X die Augusti anno Regis Ricardi secundi post conquestum decimo septimo.

John, son of the King of the English, Duke of Aquitaine and Lancaster, Earl of Derby Lincoln and Leicester, seneschal of England, to all to whom the present Letters shall come greeting. Know ye that we have granted and have let to farm to Thomas de la More of Liverpool, Robert de Derby, Richard de Hulme and William de Roby, our vill of Liverpool with the common pasture lying between the said vill and our park of Toxtath together with all our mills belonging to the same vill, together with the revenues and farms belonging to the same vill, also taking the passage money of the water of the Mersey as it has of old been wont to be taken, and the profits of our court of the said vill to be held by the same Thomas, Robert, Richard and William together with parcels of turbary under our park of Toxtath which have lawfully come into our hands, or those of our ancestors, by the death of some of our tenants of the same vill; so that they may dig in the same parcels and turbaries and dry and carry at their pleasure. We have also granted to the same Thomas, Robert, Richard, and William the emendations of the assize of bread and ale, the fines of forestallers, butchers, tanners, and for breaches of the peace, and all other things which belong to the view of frankpledge, although shedding of blood has been made; and also the goods and chattels of fugitives and felons arising within the aforesaid vill, and also the punishment of all workmen living within the said vill or hereafter coming there and all toll of the aforesaid vill to be taken as it has of old been wont to be taken, together with the herbage of the fosse of our castle of the same vill, with waifs and strays, wreck of the sea, and with all other profits belonging to us in the same vill both by land and by sea, to have and to hold from us and our heirs from the feast of St. Michael the Archangel next coming after the date of these presents unto the end of seventeen years next following to be fully complete, paying therefor to us and our heirs yearly at

Liverpool fifty-seven marks of silver at the feast of Easter and of St. Michael the Archangel in equal portions in return for all things which belong to us or our heirs in the same vill. We will also and grant that no one of the aforesaid vill shall be impleaded in the county or wapentake for any debt, transgression or agreement or any other personal things whatsoever arising in the said vill. And we also will and grant that no one of the aforesaid vill shall during the aforesaid term be placed as a juror on any assizes or recognitions except those arising for lands or tenants in the aforesaid vill. Provided always that the same Thomas, Robert, Richard, and William build and repair the aforesaid mills at their own cost, taking sufficient timber to build and repair the aforesaid mills, as there is need, from our parks of Toxtath and Croxtath, and our wood of Symonde-wood, by view and permission of our foresters there. In testimony whereof we have caused these our Letters to be made Patent. Given under our seal at our Castle of Lancaster, on the tenth day of August, in the seventeenth year of King Richard the second after the Conquest.

13. HENRY IV's CONFIRMATION OF THE 1393 LEASE.

16 March, 1399.

[See *Introduction*, 55]

Henricus Dei gratia Rex Anglie et Francie et dominus Hibernie Omnibus ad quos presentes littere peruenerint, salutem. Inspeximus litteras patentes carissimi patris nostri Johannis nuper ducis Aquitanie et Lancastrie comitis Derby Lyncolnie et Leycesterie Senescalli Anglie factas in hec uerba :

[*Then follows the Lease of 1393 as printed above*].

Nos autem litteras predictas ratas habentes et gratas eas pro nobis et heredibus nostris, quantum in nobis est, durante termino predicto acceptamus, approbamus et confirmamus sicut littere predictae rationabiliter testantur. In cuius rei testimonium has litteras nostras fieri fecimus patentes. Teste meipso apud Lancastriam xvj die Marcij, anno regni nostri primo.

Per consilium et dimidio marce soluto in hanaperio.

Henry by the Grace of God King of England and France and Lord of Ireland. To all to whom the present letters shall come, greeting. We have inspected the Letters Patent of our dearest Father John late Duke of Aquitaine and Lancaster, Earl of Derby Lincoln and Leicester, seneschal of England made in these words.

[*Then follows the Lease of 1393 as printed above*].

And we holding the aforesaid letters sound and pleasing, accept, approve and confirm them, as far as in us lies, during the aforesaid term, for us and our heirs, as the aforesaid letters reasonably testify. In testimony whereof we have caused these our Letters to be made Patent. Witness myself at Lancaster, on the sixteenth day of March, in the first year of our reign.

By the council and for half a mark paid in the Hanaper.

14. MEMORANDUM INSCRIBED ON HENRY IV'S LEASE.

[The following notes of instruction were written on the back of the deed last printed. They are described as 'an old Memorandum upon the ancient Coppy of this Lease', which was also writ in H. IV's tyme.' They may refer either (as this note suggests) to the proposed terms of a new lease for the period beginning 1411, for which no lease exists; or (less probably) they may refer to the Lathom lease of 1444 given below (p. 313). The latter lease contains none of the points referred to; the only point connecting it with this memorandum is the name of Lathom. The memorandum has the additional interest of being the earliest deed relating to Liverpool written in English. The original being now missing, the copy here given is taken from GREGSON'S *Fragmenti*, p. 352. See *Introduction*, 56.]

For and concerninge certayne Instrucc'ons agreed upon by the Towne of Leverpoole, to be sent to the Chancell of the Duchy to allow of ec'. These been the poyntes and the articles that the Mayor of Leverpoole, with assent of all the good men and comoners of the same towne, praying Thomas of Lathom to sue to the counsell of the Dutchee, in the first, to take the ton to ferme to as eysy a rent as hee can gett it be his gud labour; the second article, to gett annuall fayre upon Anne day; the third article is to get us poaire to tach a mon by his body; the fourth article is to get us a recognisance of [Statute Merchant ?]¹ and with the seale that longs thereto; and these iiij last articles must bee in a patent both to ourselfe, to the mayor and to the bayles, and to theire successors for evermore. Halfe in mynde to take the Castle Orchard in our takeing and the may in any wise Halfe in mynd alsoe to speake to my Lord Sir Thomas for the Moldkirke, Halfe in mynd alsoe to gett a privy seale direct to the mayor, charging all those that holden of the Kinge in Leverpull to appear before the councell att London, els they will agree with the mayor.

15. EXCERPTS FROM MINISTERS' ACCOUNTS 1339-1420.

[Duchy of Lanc. *Auditors' Accounts*, Bundle 728, No. 11987 23 Rich. II-1 Hen. IV.]

i. [1399]. Lyuerpull. Vaut a ferme xxxviii^{li} Dont en allowance du rent done par Henry nadgaires Duc que dieux assoile a la chapelle illoeques xij^s
Et vaut du clier . . . xxxvij^{li} viij^s

Worth at farm £38, of which in allowance for the rent given by Henry the late Duke—whom may God assoil—to the Chapel there 12^s. and worth clear £37. 13. 0.

[The same entry with but very slight alterations occurs in the accounts for the following ten years, *viz.*, Bundle 728, No. 11988, 1-2 Hen. IV; Bundle 729, No. 11995-6, 2-3 Hen. IV; Bundle 729, No. 12001, 4-5 Hen. IV; Bundle 729, No. 12004, 5-6 Hen. IV; Bundle 730, No. 12006, 6-7 Henry IV; Bundle 730, No. 12008, 7-8 Hen. IV; Bundle 730, No. 12011, 8-9 Hen. IV; Bundle 730, No. 12012, 9-10 Hen. IV; Bundle 730, No. 12014, 10-11 Hen. IV. The only year which these accounts do not cover is 3-4 Hen. IV. These entries thus cover the last years of the 1394 lease.]

The next year in which there are accounts for Liverpool is 1413, the year of the great quarrel between Henry V and the burgesses (see *Introduction* 56, 7). The following entry seems to show that the royal bailiff was collecting the dues and finding difficulty in getting payment.

[Bundle 731, No. 12017, 13 Hen. IV-1 Hen. V].

ii [1413]. Lyuerpole. Vaut en approuement cest an par eisme gar le Baillif illoeques n'ad accomptez ungore xx^{li}.

Worth on estimate this year, for the Bailiff there has not yet accounted: £20.

1. These words not in GREGSON are added from OKILL.

310 FEE FARM LEASES AND OTHER DOCUMENTS

The next year's entry shows that the new system is in full working, but producing much less than the farm rent down to 1411. On the amounts paid in these years, see *Introduction* 56 n.

[Bundle 731, No. 120194, 1-2 Hen. IV].

iii [1414]. Lyuerpoll. Vaut et rent et fermes cest an xiiij^{li} xvi^s iiiij^d ob
Worth in rent and farms this year £14. 17^s. 4½^d.

Of the remaining years of Henry V's reign there are no accounts, except for 1415, 1418, 1420.

[Bundle 731, No. 120214, 3 Henry V].

iv [1415]. Lyuerpole. Vaut en rent et fermes xij^{li} xvij^s vjd ob cest an : teime des molyns illoeques xl^s cest an : xiiij^{li} xvij^s vjd ob. Dount es constages d'un mo yn illoeques cest an x^s. Et uaut du clier xiiij^{li} vij^s vjd ob.

Worth in rent and farms £12. 17. 6½^d this year, farm of the mills there 40s. this year £14. 17^s. 6½^d; allowed for repairs of a mill there this year 10^s. And worth clear £14. 7^s. 6½^d.

[Bundle 732, No. 12027, 6 Henry V].

v [1418]. Lyuerpole. Vaut en rentes et fermes xij^{li} xvij^s vjd ob cest an : Issu del Molyn xix^s cest an : xiiij^{li} xvij^s vjd ob. Dount viij^s en allouer del Coillior cest an : vij^s ij^d Constage del molyn cest an : xv^s ij^d. Et uaut du clier xiiij^{li} xvi^d ob.

Worth in rents and farms £12. 17^s. 6½^d. this year profits of the mill 19^s. this year : £13. 16^s. 6½^d. Allowed to the collector 8^s. this year : 7^s. 2^d. repair of the mill this year : 15^s. 2^d. And worth clear £13. 1^s. 4½^d.

[Bundle 732, No. 12029, 8 Henry V].

vi [1420]. Lyuerpole. Valet in redditibus et firmis xij^{li} xvij^s vjd ob hoc anno, firma molendinorum ij^{li} vj^s viij^d xv^{li} iiiij^s ij^d ob. Inde xl^s in duabus petris molaris emptis pro molendino; x^s Stipendium Collectoris redditus. Et ualet de claro xij^{li} xiiij^s ij^d ob.

Worth in rents and farms this year £12. 17^s. 6½^d; farm of the mills £2. 6^s. 8^d.; £15. 4^s. 2½^d.; thence 40s. for two mill stones bought for the mills; 10s. wages of the collector of the rent. And worth clear £12. 14^s. 2½^d.

16. HENRY IV'S GRANT TO NICOL DE ATHERTON.

21 April, 1411.

The following deed shows that in spite of the wording of the entries in the Ministers' Accounts given above, there must have been some sort of farm in these years. See *Introduction*, 56 n. 4.

This grant was renewed by Henry V in the first year of his reign, July 2, 1413; Duchy of Lanc. Miscel., Vol. 17, Reg. H. V., Pt. i, f. 4b.

[Duchy of Lanc. Misc., Vol. 15, Regr. Hen. IV, Pt. II, fo. 19b].

Par Nicol de Athirton } Henry etc. A Toutz ceux etc. saluz Sachez
Chiualer } que nous de nostre grace especial et par le bon
et greable seruice que nostre cher et foial Chiualer Nicol de Athirton nous
ad fait et ferra en temps auenir, et pourtant qil ad restorez diuerses noz lettres
patentes par les queux nous eussions grantez au dit Nicol diuerses annuitees

aprendres par terme de sa uie. . . . Auons grantez au mesme celuy Nicol vynt liures par an aprendre del fest de seint Michell darrein passe pour terme de sa uie; Cest assauoir dys liures de les issues profitz et commoditez prouenantz de nostre dit Manoir de Derby el Countee de Lancastre par les mains de noz baillifs, prouostes, ffermours, ou autres Occupours de mesme le Manoir pour le temps esteantz, et dys liures par an de la ferme quelle les Mair, Baillifs et hommes de nostre Ville de Lyuerpull rendrent a nous par an par les mains des ditz Mair, Baillifs, hommes, ou autres Receiours, ou Occupours, de mesme la ferme pour le temps esteantz as termes de seint Michell et Pasques par ouelles porcions. En tesmoignance etc Donez etc le xxj iour d'aurill.

Henry etc. To all those etc. greeting. Know ye that we, of our special grace and in return for the good and pleasing service which our dear and faithful knight Nicol de Atherton has done and will do for us in time to come, and forasmuch as he has restored to be cancelled divers our letters patent, by which we had granted to the said Nicol divers annuities to be taken for the term of his life. . . . have granted to the same Nicol £20 per annum to be taken from the feast of St. Michael last past for the term of his life, that is to say £10 from the issues profits and commodities arising from our said manor of Derby in the County of Lancaster by the hands of our bailiffs, reeves, farmers or other occupiers of the same manor for the time being, and £10 per annum of the farm which the mayor Bailiffs and men of Liverpool pay to us yearly by the hands of the said Mayor, Bailiffs, men or other receivers or occupiers of the same farm for the time being at the terms of St. Michael and Easter by equal portions. In witness etc. given etc, the twenty-first day of April.

By the King himself and the Council.

17. HENRY V'S FEE FARM LEASE TO THE MEN OF LIVERPOOL,

15 July, 1421.

[Duchy of Lanc. Misc., Vol. 17 (2), Register of Henry V, f. 100. See *Introduction*, 58].

Pour les gens de nostre } Henry etc. A nostre bien ame William Garnet,
Ville de Lyuerpole } nostre seneschall de nostre Wapentak de West
Derby, saluz: pour ce que par auys de nostre conseil nous suymes accordez
que les gentz de nostre Ville de Lyuerpole aueront la ferme de nostre dit Ville
de la fest de seint Michell darrein passe tanque a mesme le fest proschein uenant;
Rendant a nous Vynt et troys liures: Vous mandons que vous suffrez les
dites gentz de la dite Ville auoir, occuper et enioyer lour dite ferme en maniere
come nous suymes ouec eulx accordez, tanque a le fest de seint Michell proschein
uenant sanz impediment queconque; et que en le meen temps uous uuillez
communier ouec nostre Baron de nostre Escheker de Lancastre et aussi ouec
nostre Receiour illoeques, et que uous facez sercher par touz les meilleures
uoies que uous sauerez ou purrez, comment et en quell maniere les dites gens
ont eu lauant dit Ferme sibi en le temps de nostre tres honore Aiel de Lancastre
come autrement en aucune temps deuant ces hures ouec tous les circonstances

dependances dycelle et dent certiffier nostre dit conseil a Westminstre si tost come uous bonement pourrez. Et ce ne lessez. Donez etc. le xv iour de Juillet lan noefisme.

For our people of the town } Henry etc. To our well beloved William Garnet our
of Liverpool } steward of our Wapentake of West Derby, greeting.
Since by the advice of our Council we have agreed that the people of our town of Liverpool shall have the farm of our said town from the feast of St. Michael last past unto the same feast next coming, paying to us therefore £23, we command you to allow the said people of the said town to have, occupy and enjoy their said farm as we have agreed with them until the feast of St. Michael next coming without any impediment, and that in the meantime you will advise with our Baron of our Exchequer of Lancaster and also with our Receiver there, and that you cause search to be made, in the best way that you know or can, as and in what manner the said people have had the aforesaid farm in the time of our very honoured grandfather of Lancaster or otherwise in any time before this, with all the circumstances and dependencies, and to certify thereof to our said Council at Westminster as early as you well can. And do not fail herein. Given etc. on the fifteenth day of July in the ninth year.

18. EXCERPTS FROM THE MINISTERS' ACCOUNTS, 1422-1442.

No leases for this period survive; but the ministers' Accounts, though not complete, show that the town was farmed from 1422 by the Mayor and Burgesses. See *Introduction*, 60

[Duchy of Lanc. *Ministers' Accounts*, Bundle 732, No. 12032, 1 Henry VI].

i [1422]. Lyuerpole ualet ad firmam hoc anno xxiiij^u vj^s viij^d

Liverpool is worth at farm this year £23. 6^s. 8^d.

The entries for 11-12 Hen. VI, Bundle 732, No. 12036; 13-14 Hen. VI, Bundle 733, No. 12038; 17-18 Hen. VI, Bundle 733, No. 12042, are practically the same. But another series of *Ministers' Accounts* gives fuller details.

[Duchy of Lanc. *Ministers' Accounts*, Bundle 117, No. 1930, 17-18 Hen. VI].

ii [1440]. Lyuerpole. De Maiore et Burgensibus ibidem ut de Feodi Firma Maioris et Burgensium ibidem per litteras Domini Regis patentis sic eis concessas, xxiiij^u vj^s viij^d.

From the Mayor and Burgesses there as for the Fee Farm of the Mayor and Burgesses there by Letters Patent of the Lord King thus granted to them, £23. 6^s. 8^d.

A similar entry occurs in Bundle 117, No. 1931, 18-19 Hen. VI.

[Bundle 117, No. 1932, 20-21 Henry VI].

iii [1442]. Lyuerpole. Et de Maiore et Burgensibus ibidem ut de feodi firma eiusdem uille per litteras Regis patentis sic eis concessas ad terminum Annorum qui pretererint, sic per eosdem hoc Anno ut in Annis precedentibus onerata sine billa uel indentura, xxiiij^u vj^s vii^d.

And from the Mayor and Burgesses there as for the Fee Farm of the same town by the Letters Patent of the King thus granted to them for a term of years which is past, thus paid by them this year as in preceding years without bill or indenture. £23. 6^s. 8^d.

19. HENRY VI'S FEE FARM LEASE TO THOMAS DE LATHOM

10 Feb., 1444

I have been unable to discover the original or enrolment of this lease. The copy here given is taken—with corrections—from Okill's MSS., and has evidently been transcribed from an original in the Record Office. But in spite of careful search I have not met with it, and have been compelled to print it without verifying it by the original.

Pro Thoma de Lathome) Rex etc. De ausamento et assensu con j
firmario Feodi firme uille) sui Ducatus sui Lancastre tradidit et ad
de Lyuerpole.) firmam dimisit Thome de Lathome Armigero feodi firmam uille sue de Leuerpole in Comitatu Lancastrie cum omnimodis pertinentiis proficuis et commoditatibus eidem uille spectantibus (Saluis et exceptis eidem regi et heredibus suis parco suo de Toxtath eidem uille adjacente et proficuis Turbarie dicti Regi: uocate le Olde mosse et uno messuagio cum pertinentiis suis quod Henricus Barker defunctus nuper tenuit ex concessione Henrici nuper regis Anglie patris predicti domini regis, et exceptis prisis uinorum infra portum uille predictae) et faciendo et supportando omnimoda omnia eidem uille spectantia siue incumbencia que predecessores Ricardi Crosse Roberti More Roberti Candrey Henrici Mosok et Hugonis de Botehul nuper firmariorum et Burgensium uille predictae facere et supportare consueuerunt, durante termino suprascripto; habendum et tenendum eidem Thome et assignatis suis dictam feodi firmam uille predictae cum omnimodis pertinentiis proficuis et comoditatibus, predictis exceptis preexceptis, a festo sancti Michaelis ultime preterito usque ad finem termini quinque annorum extunc proxime sequentium et plenarie complendorum, reddendo inde annuatim eidem Domino Regi heredibus uel assignatis suis uiginti et unam libras per manus Receptoris sui Comitatus predicti pro tempore existente ad terminos Pasche et Sancti Michaelis Archangeli per equales porciones durante termino predicto. Et si contigerit predictum annuum redditum aretro fore in parte uel in toto per unum mensem post aliquem terminum terminorum predictorum non solutum, quod tunc bene liceat prefato domino regi heredibus uel assignatis suis per ministros suos predictum Thomam per bona et catalla sua ubicunque infra Comitatum predictum inuenta sint facere distringi, ac districciones sic captas effugere, et penes se retinere quousque de redditu predicto et arreragijs eiusdem prefato domino regi heredibus uel assignatis suis plenaria fuerit satisfactio. Et si contingat eundem annuum redditum aretro fore in parte uel in toto per quartium anni post aliquem terminum terminorum predictorum non solutum, quod tunc bene licebit prefato domino regi heredibus uel assignatis suis: feodi firmam uille sue predictae cum omnimodis pertinentiis proficuis et commoditatibus eidem spectantibus reintrare et reassumere ac pristino statu suo retinere presenti dimissione in aliquo non obstante. Et ad istas omnes et singulas conuenciones suprascriptas per eundem Thomam ut permittitur perimplendas idem Thomas obligat se heredes et executores suos prefato domino regi in quadraginta libras sterlingorum soluendas eidem domino regi heredibus uel executoribus suis quociens quando idem Thomas seu assignati sui defecerit seu defecerint in aliqua conuencione conuencionum suprascriptarum. In cuius etc. Datum etc. apud Westmonasterium quinto decimo die Februarij anno etc. uicesimo secundo.

Per consilium Ducatus predicti.

The King etc. by the advice and assent of his Council of his Duchy of Lancaster has delivered and let to farm to Thomas de Lathom Esq the fee farm of his town of Liverpool in the County of Lancaster with all manner of appurtenances profits and commodities belonging to the same town (saving and excepting to the same King and his heirs his park of Toxteth adjoining the same town, and the profits of the turbary of the said King called the Old Moss, and one messuage with its appurtenances which Henry Barker deceased lately held by the grant of Henry late King of England, father of the aforesaid lord the King and excepting the prises of wines within the port of the aforesaid town) doing and supporting during the aforesaid term all manner of burdens belonging or falling on the same town which the predecessors of Richard Crosse, Robert More, Robert Coudrey, Henry Mossock and Hugh de Botchill late farmers and burgesses of the aforesaid town were wont to do and support; to have and to hold to the same Thomas and his assigns the said fee farm of the aforesaid town with all manner of appurtenances, profits and commodities (excepting the aforesaid things afore excepted) from the feast of St. Michael the Archangel last past unto the end of the term of five years then next following and fully to be complete, paying therefor yearly during the aforesaid term to the same lord the King his heirs or assigns £21 by the hands of his Receiver of the aforesaid County for the time being at the terms of Easter and St. Michael the Archangel by equal portions. And if it should happen that the aforesaid annual rent be in arrear and unpaid in part or in whole for one month after any term of the aforesaid terms, that then it shall be lawful for the aforesaid lord the King, his heirs or assigns, by his servants to cause the aforesaid Thomas to be distrained by his goods and chattels wherever they may be found within the aforesaid County and to take the distrains so taken and to keep them in his hands until full satisfaction shall be made for the aforesaid rent and its arrears to the aforesaid lord the King his heirs or assigns. And if it should happen that the same annual rent be in arrear and unpaid in part or in whole for a quarter of a year after any term of the aforesaid terms that then it shall be lawful for the aforesaid lord the King, his heirs or assigns, to enter again into the fee farm of his aforesaid town with all manner of appurtenances profits and commodities thereto belonging, and to take it again, and to hold it in its former state, the present lease in anything notwithstanding. And for the fulfilling of all and singular the abovesaid agreements by the same Thomas as is aforesaid, the same Thomas binds himself, his heirs and executors to the aforesaid lord the King in £40 sterling to be paid to the same lord the King, his heirs or executors as often as the same Thomas or his assigns shall fail in any agreement of the aforesaid agreements. In witness whereof etc. Given etc. at Westminster on the fifteenth day of February in the twenty-second year etc

By the Council of the aforesaid Duchy.

20. EXCERPTS FROM MINISTERS' ACCOUNTS. 1445-1461.

From the Ministers' Accounts as given below it is sufficiently clear that the Lease granted to Lathom was on behalf of the Mayor and Burgesses who farmed the town down to 1449 when Lathom's Lease expired; and that royal officers collected the rents till 1455 when the Mayor and Burgesses again farmed the town. See *Introduction* 60, 61.

[*Ministers' Accounts*, Bundle 117, No. 1934, 23-24 Hen. VI].

i [1445]. Lytherpole. Et de Maiore et Burgensibus ibidem de feodi firma uille de Litherpole in comitatu Lancastrie dimissa Thome Lathome Armigero cum omnimodis pertinentijs proficuis et commoditatibus eidem spectantibus,

parco de Toxtath, proficuis Turbarie uocate le Oldmosse et uno messuagio cum suis pertinentijs que Henricus Barker defunctus nuper tenuit ex concessione Henrici quinti patris Regis nunc saluis et exceptis, ac exceptis prisis uinorum in portu predictae uille de Litherpole: habendum et tenendum eidem Thome et assignatis suis per indenturam inter Regem Henricum sextum et ipsum Thomam pro summa predicta a festo sancti Michaelis Anno regis nunc xxij^{mo} usque ad finem termini quinque Annorum proxime sequentium et plenarie complendorum, hoc anno dicti termini primo, soluendo eandem firmam ad manus Receptoris comitatus Lancastrie terminis Pasche et Sancti Michaelis equaliter. Et idem firmarius faciet et supportabit omnia onera eidem uille medio tempore spectantia siue incumbentia. Et si dicta firma aretro fuerit in parte uel in toto per mensem post aliquem terminum terminorum predictorum, quod Rex per ministros suos predictum Thomam per bona et catalla sua distringeret ac districciones captas effugaret et retineret, quousque satisfaccio facta fuerit de hoc quod aretro est, et si per quartium anni quod Rex per ministros suos eandem feodi firmam cum pertinentijs reintraret et retineret in pristino statu hac dimissione non obstante gauderet: et ad singulas conuenciones predictas tenendas et perimplendas predictus Thomas pro parte sua eidem Regi obligatus est in xl^{li} soluendo, quandocumque ipse seu Assignati sui defecerint in aliquo punctu prerecitato ut constat per indenturam super Compotum Anni precedentis ostensam: tunc reddit solutum per xxij^{li} vi^s viij^d uidelicet in parte euisdem feodi firme pro eisdem terminis infra tempus compoti. Summa xxi^{li}.

And from the Mayor and Burgesses there for the fee farm of the town of Liverpool in the County of Lancaster let to Thomas Lathom Esq. with all appurtenances profits and commodities thereto belonging (the park of Toxteth, the profit of the turbary called the Old Moss and one messuage with its appurtenances which Henry Barker deceased lately held by the grant of Henry V father of the present king, exempted and excepted, and except the prises of wines in the port of the aforesaid town of Liverpool) to have and to hold to the same Thomas and his assigns by indenture between King Henry VI and Thomas himself for the aforesaid sum from Michaelmas in the twenty-second year of the present king unto the end of the term of five years next following and fully to be complete, this year being the first of the said term, paying the same farm to the hands of the Receiver of the County of Lancaster equally at the terms of Easter and Michaelmas. And the same farmer shall do and bear all burdens meanwhile belonging to or incumbent on the same town. And if the said farm be in arrear in part or in whole for a month after any term of the aforesaid terms, that the King by his servants shall distrain the aforesaid Thomas by his goods and chattels and shall retain the goods distrained until satisfaction be made for that which is in arrear; and if a quarter of a year, that the King by his servants should enter and retain the same fee farm with its appurtenances and enjoy it in its former state notwithstanding this lease. And for holding and fulfilling the separate aforesaid agreements the aforesaid Thomas for his part is bound to the same King in £40, to be paid whenever he or his assigns fail in any aforementioned point, as is stated in the indenture shewn at the account of the preceding year. He paid £24. 6^s. 8^d. viz. in part of the same fee farm for the same terms within the time of the account. Sum £21.

The above entry recurs for the next three years, 4-25 Hen. VI, Bundle 117, No. 1935; 25-26 Hen. VI, Bundle 117, No. 1936; 26-27 Hen. VI, Bundle 117, No. 1937.

[Bundle 117, No. 1938, 27-28 Hen. VI].

ii [1449]. Litherpole. Et de Richardo Lunte apparatore ibidem hoc Anno per indenturam reddit de exitibus officij domini huius anni ix^u vj^s viij^d.

Et de eodem super compotum sine indentura ex recognicione Receptoris compoti in persolucionem exituum officij omnium huius anni vij^u xiiij^s ix^d ob.

And from Richard Lunt, steward there, this year, by indenture he pays for the revenues of his office of lord this year £9 6^s. 8^d. And from the same on his account without indenture by the receipt of the Receiver of the account in payment of all revenues of his office this year £7 13^s. 9½^d.

[Bundle 101, No. 1800, 28-29 Hen. VI].

iii [1450]. Lytherpole. Compotus Edmundi Crosse apparatoris ibidem de tempore quo infra.

Idem reddit compotum de ix^u v^s vij^d de redditu liberorum tenencium burgagiorum ibidem et tenencium ad uoluntatem Domini ut patet per quoddam rentale super compotum exanimatum, in quo nomina tenencium et summe particulares parcellatim annotantur: quod quidam rentale remanet inter medium annis secundis precedentibus soluendum termino Michaelis. Et de xiiij^s iiij^d de firma molendini Ventritici uocati Nebbmylne sic dimissi Roberto More ad terminum Annorum per indenturam penes ipsum remanentem. Et de xxvj^s viij^d de firma alterius Molendini Uentritici ibidem uocati Esttonmylne sic dimissi Johanne ffeachere ad terminum, soluendis termino Sancti Michaelis pro toto Anno. Et de lx^s viij^d de firma Batellagij de Lytherpole in aqua de Mercy sic dimissi per annum Willielmo Gaitherde ad terminum Annorum soluendis ad eundem terminum per dictum rentale. Et de xvj^s iiij^d de firma tabularum Shamellarum Carnificum ibidem sic Dimissarum Roberto Hale per annum eodem termino, et alias recogniciones computant.

Summa xv^u ij^s vj^d.

Et de xl^s de tolnetis fororum et nundinarum Burgi ibidem collectis de diuersis Merchandisis prouenientibus ad eadem fora, hoc anno collectis per Robertum Lunte per Sacramentum suum in annis precedentibus ad vj^u xiiij^s iii^d.

Summa xl^s.

Et de xxxvj^s vij^d de perquisitis curiarum tentarum ibidem hoc anno ut constat per rotulum earumdem super hunc compotum exanimatum.

Summa xxxvj^s vij^d.Summa totius Redditus xviiij^u xix^s j^d.

He renders account for £9. 5^s. 7^d. for the rent of the free burgage tenants there and of the tenants at will of the lord, as appears by a rental examined at the account, in which the names of the tenants and the particular sums are individually noted: which rental remains for the two preceding years to be paid at Michaelmas. And for 13^s. 4^d. for the farm of the windmill called Nebb Mill thus let to Robert More for a term of years by an indenture remaining in his hands. And for 26^s. 8^d. for the farm of another mill called Eastham Mill thus let to John Fletcher for a term of years, to be paid at Michaelmas for the whole year. And for 60^s. 8^d. for the farm of the boats of Liverpool in the water

FEE FARM LEASES AND OTHER DOCUMENTS 317

f the Mersey thus let for a year to William Gaitherde for a term of years to be paid at the same term by the said rental. And for 16^s. 3^d. for the farm of the tables and stalls of the butchers there thus let to Robert Hale for a year, and they account other recognitions.

Sum £15 2^s. 6^d.

And for 40^s for the tolls of the markets and fairs of the town there, collected from the different merchandise coming to the same markets, this year collected by Robert Lunt on his oath, in preceding years amounting to £6 13^s. 4^d.

Sum 40^s.

And for 36^s. 7^d. for the perquisites of the Courts held there this year, as is stated in the roll of them examined at this account.

Sum 36^s. 7^d.

Sum of the whole Rental £18 19^s. 1^d.

This entry recurs, with variations in the amounts of the tolls, profits of courts, farm of the shambles, for the four years, 29-30 Hen. VI, Bundle 101, No. 1801; 31-32 Hen. VI, Bundle 101, No. 1802; 32-33 Hen. VI, Bundle 101, No. 1803. The accounts in this series for the year 30-31 Hen. VI are missing, but it would be sufficiently obvious that the missing entry would be substantially the same as the two subsequent entries, even if in another series there were not the following entry.

[Bundle 117, No. 1941, 30-31 Hen VI].

iv [1452]. Litherpoole. Et de xv^{ij} xiiiij^s x^d receptis de Edmundo Crosse Apparatore ibidem de exitibus officij sui huius Anni ut patet per compotum suum de eodem anno.

And of £15 14^s. 10^d. received from Edmund Crosse steward there from the revenues of his office this year, as appears by his account of this year.

[Duchy of Lanc. Ministers' Accounts, Bundle 101, No. 1804, 33-34 Hen. VI].

v [1455]. Lytherpole. Compotus Maioris et Burgencium uille predicte de tempore quo infra Arreragia. Idem reddunt compotum v^s de arreragijs ultimi compotus Anni precedentis prout patet in pede eiusdem compotus.

Summa v^s.

Et de xvij^{ij} vj^s viij^d de toto redditu ibidem firma ij molendinorum uentriticorum firma batellagij siue passagij ultra Aquam de Mercy ibidem firma tabularum Shamellarum Carnificum et tolneti ffori et nundinarum ibidem Ac cum perquisitis Curiarum sic dimissa eisdem Maiori et Burgensibus uille predicte per Indenturam ad terminum Annorum hoc Anno primo.

Summa xvij^{ij} vj^s viij^d.

Account of the Mayor and Burgesses of the aforesaid town for the time in which are arrears. They render account of 5^s. for arrears of the last account of the preceding year as appears at the foot of the same account.

Sum 5^s.

And of £17 6^s. 8^d. for the whole rent there, for the farm of two windmills, for the farm of the boats or passage over the water of the Mersey there, for the farm of the tables of the butchers' stalls and of the toll of the market and fairs there, and with the perquisites of the courts thus let to the same Mayor and Burgesses of the aforesaid town by indenture for a term of years, thus year being the first.

Sum £17 .^s. 8^d.

The above entry recurs for the next few years, 34-35 Hen. VI, Bundle 101, No. 1805; 37-38 Hen. VI, Bundle 101, No. 1807; 38-39 Hen. VI, Bundle 101, No. 1808; 39 Hen. VI-1 Ed. IV, Bundle 101, No. 1809. There are no accounts for 35-36 or 36-37 Henry VI.

21. EXCERPTS FROM MINISTERS' ACCOUNTS. 1461-1465.

At the beginning of Edward IV'S reign Edmund Crosse had apparently secured a farm of the town which he seems to hold for four years, but it is not quite clear from the entries in the Accounts whether he was acting as farmer or royal bailiff: he is called *balliuus*, but nevertheless the *firma* is spoken of. The entries are as follows:—

[Duchy of Lanc. *Ministers' Accounts*, Bundle 102, No. 1810, 1-2 Ed. IV].

Lytherpole. Compotus Edmundi Crosse ballini ibidem pro tempore supra. firma. Idem reddit compotum xiiij^{li} ad firmam nouam; redditus ibidem duorum molendinorum uentriticorum, unius batelle pro passagio ultra aquam de Merci, Shamellarum et tabularum carnificum ibidem, tolnetorum fori et nundinarum ibidem ad firmam; perquisitas curiarum ibidem sic dimissorum hoc anno tunc nuper ad xvij^{li} vj^s viij^d.

Account of Edmund Crosse, bailiff there, for the above time.

He renders account for £14 on the new farm; the rents there of two windmills, of one boat for the passage over the water of the Mersey, of the shambles and butchers' tables there, of the tolls of the market and fairs there at farm, the perquisites of the Courts there, thus leased for this year, lately for £17. 6^s. 8^d.

The above entry recurs for the next year 2-3 Ed. IV (Bundle 102, No 1811), except that the amount for which Crosse renders account is £11, not £14. In 3-4 Ed. IV there are no accounts for Liverpool, but in 4-5 Ed. IV. (Bundle 102, No 1813), substantially the same entry recurs, except that the sum rendered account for is again £14.

There is a difficulty with regard to Crosse's position during these years which is only increased by a consideration of the two following leases granted by Edward IV in the second and third years of his reign. It would seem from these leases that the King was beginning to break up the farm. But this statement will not explain the obvious contradictions, for although in 1463 Edward IV the King grants the ferry to John Best, in 1465-6, Edmund Crosse renders account for the farm which includes *one boat for the passage over the water of the Mersey*. Is it possible that the farm is not broken up at all: that the mill leased to Leyland and More was Townsend Mill, as Mr. Elton suggests, not either of the original windmills, Eastham Mill and Middle Mill¹: and that, as is suggested in the *Introduction*², there were two ferries over the Mersey?

22. EDWARD IV'S LEASE OF A WINDMILL TO WILLIAM LEYLAND AND ROBERT MORE.

26 Feb., 1463.

[Duchy of Lanc. *Chancery Rolls* No. 54; *Rolls of Indentures* 1-12, Ed. IV, No. 37].

Lancastria Willielmus Ley- land et Robertus More habent ad firmam Molen- dinum uentriticum in uilla de Lyuerpole.	}	Rex tradidit et ad firmam dimisit Willielmo Leylond et Roberto More unum Molendinum uentriticum in uilla de Lyuerpole preantea in tenura dicti Roberti; Habendum et tenendum dictum Molendinum cum omnibus proficuis eidem Molendino pertinentibus pre- fatis Willielmo et Roberto ac assignatis suis a festo sancti Michaelis
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1. ELTON *The King's Mills of Ancient Liverpool* in BENNETT and ELTON's *History of Corn Milling*, iv. 142.

2. *Introduction*, p. 74.

Archangeli ultime preterito usque ad finem termini septem Annorum extunc proxime sequencium et plenarie complendorum; Reddendo inde annuatim prefato Domino Regi Heredibus et Assignatis suis tresdecim solidos et quatuor denarios sterlingorum ad festa Pasche et sancti Michaelis Archangeli per equales porciones. Et predicti Willielmus et Robertus sustentabunt et reparabunt sumptibus suis proprijs et expensis dictum Molendinum in omnibus; preterea quod predictus Dominus Rex inueniet grossum Maeremium pro reparacione eiusdem in parcis de Toxstath et Croxstath ac Bosco de Symondeswode percipiendo per deliberacionem officiariorum ibidem pro tempore existente, et illud in fine dicti termini sufficienter reparatum dimittent Et si contingat dictum annuum redditum xiiij^s iiij^d aretro fore in parte uel in toto per dimidium Anni post aliquem terminum quo solui debeat non solutum, extunc bene licebit prefato Domino Regi Heredibus et Assignatis suis in dictam firmam reintrare et illam in manus suas reassumere, ac in pristino statu suo possidere, presenti dimissione in aliquo non obstante. Prouiso semper quod si aliquis alius absque fraude etc. In cuius etc. Datum etc. apud Westmonasterium xxvj^{to} die february Anno etc secundo.

Per Consilium ducatus.

The King has delivered and let to farm to William Leyland and Robert More one windmill in the town of Liverpool heretofore in the tenure of the said Robert; to have and to hold the said mill with all the profits belonging to the same mill to the aforesaid William and Robert and their assigns from the feast of St. Michael the Archangel last past unto the end of the term of seven years then next following and fully to be complete; paying therefor yearly to the aforesaid the lord the King, his heirs and assigns, 13^s 4^d sterling at the feasts of Easter and St. Michael the Archangel by equal portions. And the aforesaid William and Robert shall sustain and repair at their own proper costs and charges the said mill in all things; moreover that the aforesaid lord the King shall find timber for the repair thereof in his Parks of Toxteth and Croxteth and his wood of Symondeswood to be taken by the livery of the officers there for the time being; and that at the end of the said term they shall leave it sufficiently repaired. And if it should happen that the said annual rent of 13^s 4^d be in arrear and not paid in part or in whole for half a year after any term whereon it ought to be paid, that then it shall be lawful for the aforesaid the lord the King, his heirs and assigns, to enter again into the said farm and to take it again into their hands and to possess it in its former state, the present lease in anything notwithstanding. Provided always that if any other without fraud, etc. In witness whereof, etc. Given, etc. at Westminster, on the twenty-sixth day of February in the second year, etc.

By the Council of the Duchy.

23. EDWARD IV'S GRANT OF THE FERRY TO JOHN BEST.

4 Mar., 1463.

[Duchy of Lanc. Chancery Rolls 3 Ed. IV, No. 8].

Johannes Best habet exitus et proficua passagij de Litherpoole in Comi- tatu Lancastrie sine aliquo Regi reddendo.	}	Rex etc. Omnibus ad quos etc. salutem. Sciatis quod nos de gratia nostra speciali in considera- cione boni et fidelis seruicij per dilectum serui- entem nostrum Johannem Best pagettum lectorum nostrorum ante hec tempora impensi et infuturo fideliter impendendi, Concessimus ei exitus et
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proficua passagij aque de Litherpole uocati le fferry de Litherpole infra ducatum nostrum Lancastrie, habendum et percipiendum sibi a festo sancti Michaelis Anno regni nostri secundo pro termino uite sue sine Aliquo inde nobis seu heredibus nostris reddendo. In cuius rei etc. Datum etc. apud Westmonasterium quarto die Marcij Anno etc. tercio.

per literam sub signeto.

The King etc. to all to whom, etc. greeting. Know ye that we of our special grace in consideration of the good and faithful service done in time past and faithfully to be done in the future by our beloved servant John Best, page of our bedchamber, have granted to him the issues and profits of the passage of the water of Liverpool called the ferry of Liverpool within our Duchy of Lancaster; to have and to receive for himself from the feast of St. Micahel in the second year of our reign for the term of his life without paying anything therefor to us or to our heirs. In witness whereof etc. Given etc. at Westminster on the fourth day of March in the third year.

By letter under the signet.

24. EDWARD IV'S FEE FARM LEASE TO ROBERT ORRELL.

20 Sept., 1466.

[Duchy of Lanc. *Chancery Rolls* No. 54; *Rolls of Indentures* 1-12 Ed. IV, No. 109. See *Introduction*, 61, n. 4].

<p>Lancastria. Pro Roberto Orell firmam Ville siue dominij de Litherpole in Comitatu Lancastrie</p>	}	<p>Rex tradidit et ad firmam dimisit Roberto Orell uillam siue dominium de Litherpole cum omnibus suis pertinentijs in Comitatu Lan- castrie habendum et tenendum uillam siue domi- nium predictum cum omnibus suis pertinentijs</p>
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supradictis prefato Roberto et assignatis suis a festo sancti Michaelis Archangeli proxime futuro post datum presencium usque ad finem termini septem annorum extunc proxime sequencium et plenarie complendorum; Reddendo inde annuatim prefato Domino Regi heredibus aut assignatis suis, durante termino supradicto, quatuordecim libras legalis monete Anglie ad festa Pasche et sancti Michaelis Archangeli equis porcionibus. Et si contingat predictam firmam aretro fore in parte uel in toto post aliquem terminum terminorum predictorum in unum quartium anni, quod tunc bene licebit prefato domino Regi in predictam uillam siue dominium reintrare et reassumere, ac in pristino statu suo rehabere, hac dimisione in aliquo non obstante. Prouiso semper quod si aliquis alius plus annualis firme pro dicta Villa siue dominio cum omnibus suis pertinentijs predictis dare uoluit de incremento sine fraude uel malo ingenio, quod tunc prefatus Robertus Orell pro dicta uilla siue dominio tantum dare teneatur, si firmam habere uoluit supradictam. In cuius rei etc. Datum etc. apud Westmonasterium uicesimo die Septembris Anno etc. sexto.

The King has delivered and let to farm to Robert Orell the town or lordship of Liverpool with all its appurtenances in the County of Lancaster, to have and to hold the aforesaid town or lordship with all its above said appurtenances to the aforementioned Robert and his assigns from the feast of St. Michael the Archangel next coming after the date of these presents unto the end of the term of seven years then next following and fully

to be complete; paying therefor yearly to the aforementioned the lord the King, his heirs or assigns, during the abovesaid term, £14 of legal money of England at the feasts of Easter and St. Michael the Archangel by equal portions. And if it should happen that the aforesaid farm be in arrear in part or in whole after any term of the aforesaid terms for a quarter of a year, that then it shall be lawful for the aforementioned the lord the King to enter again into the aforesaid town or lordship, and to take it again and to have it again in its former state, this lease in anything notwithstanding. Provided always that if any one without fraud or evil intent is willing to give a greater annual farm for the aforesaid town or lordship with all its appurtenances, then the aforesaid Robert Orell shall be bound to give as much for the said town or lordship, if he wishes to have the above-said farm. In witness whereof, etc. Given, etc. at Westminster on the twentieth day of September in the sixth year.

25. EXCERPTS FROM MINISTERS' ACCOUNTS, 1466-1471.

It is clear that Robert Orell was acting on behalf of the Mayor and Burgesses, or at once transferred to them his lease, for the entry in the Minister's Accounts for 1466-7 runs in the name of the Mayor and Burgesses.

[Duchy of Lancaster, *Ministers' Accounts*, Bundle 102, No. 1814, 5-6 Edward IV].

Litherpole. Compotus Maioris et burgensium uille ibidem per tempus predictum.

ffirma. Idem reddunt compotum de xiiij^u de noua firma, nouum redditum ibidem ij molendinorum uentriticorum, unius batelle pro passagio ultra aquam de Mercy, Shamellarum et tabularum carnificum ibidem, tolnetorum fori et nundinarum ibidem ad firmam perquisitis curiarum ibidem, sic dimissorum hoc anno tunc nuper ad xvij^u vj^a viij^d.

Account of the Mayor and Burgesses of the town there per the time aforesaid. They render account of £14 for the new farm, the new rent of two windmills there, of one boat for the passage over the water of the Mersey, of the butchers' shambles and tables there, of the tolls of the market and fairs there at farm, with the perquisites of the courts there, thus leased for this year, lately for £17. 6. 8.

The above entry recurs for the three following years, 6-7 Ed. IV, Bundle 102, No. 1815; 7-8 Ed. IV, Bundle 102, No. 1816; 8-9 Ed. IV, Bundle 102, No. 1817. There are no entries for the two years 9-10, 10-11 Ed. IV.

The Lease granted to Orrell did not run out its full time, for in 1472 Edmund Crosse obtained a Lease, which is obviously a personal lease, not obtained on behalf of the Mayor and Burgesses.

26. EDWARD IV'S FEE FARM LEASE TO EDMUND CROSSE.

24 Feb., 1472.

[Duchy of Lanc. *Chancery Rolls* No. 55; *Rolls of Letters Patent*, 11-13 Ed. IV, No. 21].

Rex de auisamento et assensu Consilij sui Ducatus sui Lancastrie concessit tradidit et ad firmam dimisit Edmundo Crosse quandam Villam uocatam Lytherpull in Comitatu Lancastrie parcellam Ducatus sui Lancastrie, necnon duo molendina uentritica cum omnimodis ffranchesijs Custumis libertatibus et cum omnibus alijs pertinencijs eidem Ville ab antiquo Debitis siue spectantibus;

Habendum et tenendum dictam Villam necnon duo Molendina uentritica cum omnimodis franchises custumis libertatibus et cum omnibus alijs pertinentiis eidem Ville ab antiquo debitis siue spectantibus prefato Edmundo et assignatis suis, A festo Sancti Michaelis Archangeli Vltime preterito ante datum presencium vsque ad finem termini duodecim Annorum extunc proxime sequencium et plenarie complendorum ; Reddendo inde annuatim durante termino predicto prefato domino Regi heredibus et assignatis suis quatuordecim libras sterlingorum, prout responsum fuit eidem domino Regi in diuersis compotis precedentibus, et duos solidos in incremento, ad festa Pasche et sancti Michaelis Archangeli equis porcionibus. Et si contingat dictum annum Redditum xiiij^l ij^s aretro fore in parte uel in toto per dimidium Anni post Aliquem terminum quo solui debeat non solutum, extunc bene licebit prefato domino Regi heredibus et assignatis suis in dictam firmam reintrare et illam in manus suas reassumere ac in pristino statu suo possidere, presenti dimissione in aliquo non obstante. Prouiso semper quod si aliquis alius absque fraude uel malo ingenio pro firma predicta de incremento plus dare uoluerit, tunc dictus Edmundus tantum pro eadem soluere teneatur, si Villam habere uoluerit supradictam. In cuius rei etc. Datum etc. Apud Westmonasterium Vicesimo quarto die ffebruarij Anno etc Vndecimo.

Per Consilium ducatus predicti.

The King, by the advice and consent of his Council of his Duchy of Lancaster, has granted, delivered and let to farm to Edmund Crosse a certain town called Liverpool, in the County of Lancaster, part of his Duchy of Lancaster ; also two windmills with all manner of franchises, customs, liberties, and all other appurtenances due or belonging of old to the same town ; To have and to hold the said town, also the two windmills with all franchises, customs, liberties, and all other appurtenances due or belonging of old to the same town to the aforesaid Edmund and his assigns from the feast of St. Michael the Archangel last past before the date of these presents to the end of the term of twelve years then next following and fully to be complete ; paying therefor yearly during the aforesaid term to the aforesaid our lord the king, his heirs and assigns, £14 sterling as it was answered to the same our lord the king in diuers former accounts, and 2^s. increase at the feasts of Easter and St. Michael the Archangel by equal portions. And if it should happen that the said annual rent of £14 2^s be in arrear and not paid in part or in whole for half a year after any term whereon it ought to be paid, then it shall be lawful for the aforesaid the lord the king, his heirs and assigns, to enter again into the aforesaid farm and to take it again into his hands, and to possess it in its former state, the present lease in anything notwithstanding. Provided always that if any one without fraud or evil intent, is willing to give a greater increase for the aforesaid farm, then the said Edmund shall be bound to pay as much for the same, if he wishes to have the aforesaid town. In witness whereof, etc. Given etc. at Westminster on the twenty-fourth day of February in the eleventh year.

By the Council of the aforesaid Duchy.

27. EXCERPTS FROM MINISTERS' ACCOUNTS. 1472-1488.

The Crosses probably held the farm of the town till 1488, when Henry VII farmed it to David Griffiths. The rent, it will be seen, was reduced in 1476 from £14 to £11. The chief interest of the Ministers' Accounts for these years lies in the efforts of the royal officials to exact the arrears due from the Mayor and Burgesses, and in the conflicting

and difficult entries relating to the ferry, which are only further complicated by the grant made in 1484 by Richard III to Cook.

[Duchy of Lanc. *Ministers' Accounts*, Bundle 102, No. 1318. 11-12 Ed. IV. See *Introduction*, 61-2].

i. [1473]. Litherpole. Compotus Edmundi Crosse firmarij uille ibidem per tempus supradictum

firma. Idem reddit compotum de xiiij^l de firma et redditibus ij molendinorum uentriticorum ibidem, unius batelle pro passagio ultra aquam de Mercy, Shamellarum et Tabularum carnificum ibidem, tolnetorum fori et nundinarum ibidem ad firmam perquisitis Curiarum ibidem, sic Dimissorum hoc Anno tunc nuper ad xvij^l vj^s viij^d.

Summa totius Recepte xiiij^l. Postea onerata de xiiij^l de Arreragijs Maioris et Burgensium uille ibidem anno proxime precedente ut patet in pede compoti ibidem eiusdem anni. Et debent omnia contenta xxvij^l pro quibus liberant Thome domino Stanley Militi Receptore domini Regis ibidem de arreagijs anni proxime precedentis ex recognitione sua super compotum ix^l Et debent xix^l

Account of Edmund Crosse, farmer of the town there, for the abovesaid time. He renders account of £14 for the farm and revenues of two windmills there, of one boat for the passage over the water of the Mersey, of the butchers' shambles and tables there, of the tolls of the market and fairs there at farm, with the perquisites of the Courts there, thus leased for this year, lately at £17. 6^s. 8^d.

The sum of the whole receipts £14.

Further burdened with £14 of the arrears of the Mayor and Burgesses of the town there for the year next preceding, as appears at the foot of the account there of that year. And they owe in all £28 for which they acquit to Thomas Lord Stanley, Kt., Receiver of the lord king there, for the arrears of the preceding year by his recognition at the account £9. And they owe £19.

The above entry recurs for the years 13-14 Ed. IV, Bundle 103, No. 1819; 14-15 Ed. IV., Bundle 103, No. 1820; 16-17 Ed. IV, Bundle 103, No. 1821. There are no accounts for 12-13 or 15-16 Ed. IV. But at the end of the account for 16-17 Ed. IV. is an addition.

Johannem Dauinport Occupatorem passagij aque
ii. [1478]. Super. ibidem diuersis annis precedentibus de arreragijs diuersis xxvij^l viij^s iiij^d.

Jacobum Stanley Clericum firmarium passagij aque ibidem hoc Anno de arreragijs diuersis lxj^s. Ipsum computent Anno proxime precedente de arreragijs diuersis lvij^s viij^d.

John Davenport occupier of the passage of the water there for divers preceding years for divers arrears, £27 8^s. 4^d. James Stanley clerk, farmer of the passage of the water there for this year for divers arrears £3 1^s. 0^d. They account him for the year next preceding for divers arrears £2 18^s. 8^d.

[Bundle 103, No. 1822, 17-18 Ed. IV].

iii. [1479]. Litherpoole. Compotus Henrici Crosse firmarij ibidem per tempus predictum.

Account of Henry Crosse, farmer there for the aforesaid time.

The account itself is the same as that for the previous year, with small differences in the amounts of the arrears. The entry recurs in 18-19 Ed. IV, Bundle 103, No. 1823; 19-20 Ed. IV, Bundle 103, No. 1824; 20-21 Ed. IV, Bundle 103, No. 1825; 21-22 Ed. IV, Bundle 103, No. 1826; 1-2 Rich. III, Bundle 103, No. 1827, with slight variations in the amounts of the arrears. There are no accounts from 1-2 Rich. III until 3-4 Hen. VII.

28. EDWARD IV'S FEE FARM LEASE TO HENRY CROSSE.

20 Feb., 1475.

[Duchy of Lanc. Chancery Roll's No. 56 ; *Rolls of Indentures, Leases, etc.*, 13-15 Ed. IV, No. 79].

Rex per ausamentum et assensum Consilij sui Ducatus sui Lancastrie concessit tradidit et ad firmam dimisit Henrico Crosse Gentilman uillam et dominium de Lytherpole cum pertinentijs in Comitatu Lancastrie, Aceciam unum Molendinum uentriticum uocatum Ackersmylne et aliud Molendinum uentriticum uocatum Wartremylne in Comitatu predicto parcellam Ducatus predicti ; Habendum et tenendum uillam et dominium predicta ac cetera premissa cum pertinentijs prefato Henrico et assignatis suis a festo Sancti Michaelis Archangeli ultime preterito ante datum presencium usque ad finem termini decem Annorum extunc proxime sequentium et plenarie complendorum ; Reddendo inde annuatim prefato domino Regi et heredibus suis sexdecim libras legalis monete, uidelicet pro uilla et dominio predictis cum pertinentijs quatuordecim libras, Et pro dicto Molendino uocato Akresmylne uiginti solidos Et pro alio Molendino uocato Wartremylne uiginti solidos, ad festa Pasche et Sancti Michaelis Archangeli per equales porciones. Et si contingat dictam annuam firmam aretro fore in parte uel in toto per duos Menses proxime post aliquem terminum quo solui debeat non solutam, extunc bene licebit prefato domino Regi et heredibus suis in uillam et dominium predicta cum pertinentijs ac cetera premissa cum pertinentijs integre reintrare et illa in manus suas reassumere ac in pristino statu suo possidere, presenti dimissione in aliquo non obstante. Prouiso semper quod si predictus Henricus obierit infra terminum predictum extunc presens dimissio immediate post mortem ipsius Henrici sit uacua et nullius uigoris, hijs indenturis in aliquo non obstantibus. Prouiso eciam quod si aliquis alius absque fraude etc. Datum apud Westmonasterium uicesimo die februarij anno etc. quartodecimo.

Per consilium Ducatus predicti.

The King by the advice and assent of his Council of his Duchy of Lancaster has granted, delivered and let to farm to Henry Crosse gentleman the town and lordship of Liverpool with its appurtenances in the County of Lancaster, and also one windmill called Acres Mill and another windmill called Wavertree Mill in the aforesaid County parcel of the aforesaid Duchy ; to have and to hold the aforesaid town and lordship and other the premises with the appurtenances to the aforesaid Henry and his assigns from the feast of St. Michael the Archangel last past before the date of these presents unto the end of the term of ten years then next following and fully to be complete ; paying therefore yearly to the aforesaid the lord the King and his heirs £16 of legal money, that is to say for the aforesaid town and lordship with the appurtenances £14 ; and for the said mill called Acres Mill 20s. ; and for the other mill called Wavertree Mill 20s. at the feast of Easter and St. Michael the Archangel by equal portions. And if it should happen that the said annual farm be in arrear and unpaid in part or in whole for two months next after any term whereon it ought to be paid, then it shall be lawful for the aforesaid the lord the King and his heirs to enter again entirely into the aforesaid town and lordship with the appurtenances and the rest of the premises with their appurtenances and to take them again into their hands, and to possess them in their former state, the present lease in anything notwithstanding. Provided always that if the aforesaid

Henry die within the aforesaid term, then the present lease immediately after the death of the same Henry shall be void and of none effect, anything in these indentures notwithstanding. Provided also that if anyone else without fraud etc. Given at Westminster on the twentieth day of February in the fourteenth year.

By the Council of the aforesaid Duchy.

29. EDWARD IV'S FEE FARM LEASE TO HENRY CROSSE,

5 Sept., 1476.

[Duchy of Lanc. Chancery Rolls No. 57; *Rolls of Indentures, Leases, etc.*, 16-17 Ed. IV, No. 13].

Lancastria. Rex per ausamentum et assensum Consilij sui Ducatus sui Lancastrie concessit tradidit et ad firmam dimisit Henrico Crosse de Wartre in Comitatu Lancastrie Gentilman uillam et dominium de Lytherpole in Comitatu predicto cum omnibus redditibus firmis reuencionibus perquisicionibus Curiarum tolnetis flori et Nundinarum ac omnibus alijs proficuis et commoditatibus eisdem pertinentibus; Necnon duo Molendina uentritica de Lytherpole predicto parcellam ducatus predicti; Habendum et tenendum uillam et dominium de Lytherpole predicto ac omnia premissa cum pertinentijs prefato Henrico et assignatis suis a festo sancti Michaelis Archangeli proxime futuro post datum presencium usque ad finem termini quatuordecim annorum extunc proxime sequentium et plenarie complendorum; Reddendo inde annuatim prefato domino Regi et Heredibus suis undecim libras legalis monete ad festa Pasche et Sancti Michaelis Archangeli per equales porciones. Et predictus Henricus et assignati sui omnia domos et edificia ac alia omnia quecunque dictis Molendinis uentriticis ac omnibus eorum pertinent bene et sufficienter sump-tibus suis proprijs et expensis edificabunt construent et facient et sic reparabunt sustentabunt et manutenebunt durante termino predicto et in fine termini sui predicti bene et sufficienter reparata dimittent. Et si contingat dictam annuam firmam aretro fore in parte uel in toto per duos Menses proxime post aliquem terminum quo solui debeat non solutam, extunc bene licebit prefato domino Regi et Heredibus suis in firmam predictam reintrare et illam in manus suas reassumere ac in pristino statu suo possidere, presenti dimissione in aliquo non obstante. Prouiso semper quod si predictus Henricus obierit infra terminum predictum, extunc presens dimissio immediate post mortem ipsius Henrici sit uacua et nullius uigoris, hijs indenturis non obstantibus. Prouiso eciam quod si aliquis absque fraude etc. In cuius rei etc. Datum apud Lytherpole quinto die Septembris Anno etc. sextodecimo.

Per consilium Ducatus predicti.

The King by the advice and assent of his Council of his Duchy of Lancaster has granted, delivered and let to farm to Henry Crosse of Wavertree in the County of Lancaster gentleman the town and lordship of Liverpool in the aforesaid County with all the rents, farms, revenues, perquisites of the courts, tolls of the market and fairs, and all other profits and commodities belonging thereto, and also two windmills of Liverpool aforesaid, parcel of the aforesaid Duchy; to have and to hold the aforesaid town and lordship of Liverpool and all the premisses with the appurtenances to the aforesaid Henry and his assigns from the feast of St. Michael the Archangel next coming after the date of these presents unto the end of the term of fourteen years then next following and

fully to be complete ; paying therefor yearly to the aforesaid the lord the King and his heirs £11 of legal money at the feasts of Easter and St. Michael the Archangel by equal portions. And the aforesaid Henry and his assigns shall during the aforesaid term well and sufficiently at their own proper costs and charges build, erect and make and so repair, sustain and maintain all the houses and buildings and all other things whatsoever belong to the said windmills and all their appurtenances, and at the end of the said term shall leave them well and sufficiently repaired. And if it should happen that the said annual farm be in arrear and unpaid in part or in whole for two months next after any term wheron it ought to be paid, then it shall be lawful for the aforesaid the lord the King and his heirs to enter again into the aforesaid farm and to take it again into his hands and to possess it in its former state, the present lease in anything notwithstanding. Provided always that if the aforesaid Henry die within the aforesaid term, then the present lease immediately after the death of the same Henry shall be void and of none effect, these indentures notwithstanding. Provided also that if any one without fraud etc. In witness whereof etc. Given at Liverpool on the fifth day of September in the sixteenth year etc.

By the Council of the aforesaid Duchy.

30. RICHARD III'S GRANT OF THE FERRY TO RICHARD COOK.

18 Sept., 1484.

[Duchy of Lanc. Misc., No. 20 ; Reg. of Rich. III, fo. 37 (b)].

Ricardus Cook habet passagium } Rex etc. Sciatis quod nos de gratia nos-
de Mersy in uilla de Lytherpoole } tra speciali ac pro bono et gratuito seruicio
quod dilectus seruicius noster Ricardus Cook nobis impendit et infuturo fide-
liter impendet dedimus et concessimus eidem Ricardo passagium siue feream
ultra aquam de Mersy inter uillam de Lytherpole et Comitatum Cestrie, par-
cellam Ducatus Lancastrie, unacum batella et omnibus alijs proficuis exitibus
et emolumentis eodem passagio siue ferie pertinentibus siue aliquo modo
spectantibus ; Habendum et tenendum passagium siue feriam cum batella
predicta eisdem pertinenti prefato Ricardo ad terminum uite sue unacum omni-
bus alijs proficuis exitibus et commoditatibus eodem passagio siue ferie qualiter-
cunque pertinentibus siue spectantibus sine aliquo compoto inde nobis reddendo
seu aliqua inde re soluenda. In cuius etc. Datum apud Castrum de Not-
tinghamia xviiiij die Septembris Anno etc. secundo.

per literam sub signeto.

The King etc. Know ye that we, of our special grace and in return for the good and free service which our beloved servant Richard Cook has done and will hereafter faithfully do us, have given and granted to the same Richard the passage or ferry over the water of the Mersey between the town of Liverpool and the County of Chester, parcel of the Duchy of Lancaster, together with the boat and all other profits, issues and emoluments belonging or in any other way pertaining to the same passage or ferry ; to have and to hold the passage or ferry with the aforesaid boat belonging thereto to the aforesaid Richard for the term of his life together with all other profits, issues and commodities belonging or in any way pertaining to the same passage or ferry without giving any account thereof to us or paying anything therefor. In witness whereof etc. Given at the Castle of Nottingham on the eighteenth day of September in the second year.

By letter under the signet.

31. HENRY VII'S FEE FARM LEASE OF THE FERRY
TO RICHARD COOK.

6 Mar., 1486

Rex per Auisamentum et Assensum Consilij sui Ducatus sui Lancastrie ad firmam Dimisit Ricardo Cook Passagium siue fferiam ultra Aquam de Mercy inter Villam de Lytherpole et Comitatum Cestrie, parcellam ducatus Lancastrie, unacum Batella et omnibus alijs proficuis exitibus et emolumentis eidem passagio siue fferie pertinentibus aut spectantibus ; Habendum et tenendum dictum passagium siue fferiam et cetera premissa prefato Ricardo et assignatis suis a Festo sancti Michaelis archangeli ultime preterito usque ad finem termini septem Annorum extunc proxime sequentium et plenarie complendorum ; Reddendo inde Annuatim prefato domino Regi et heredibus suis sexaginta solidos sterlingorum ad festa Pasche et sancti Michaelis archangeli equis porcionibus. Et si contingat etc cum prouisionibus eciam prescriptis. In cuius rei etc. Datum Londonijs sexto die Marcij Anno Primo.

per Consilium ducatus predictii

The King by the advice and assent of his Council of his Duchy of Lancaster has let to farm to Richard Cook the passage or ferry over the water of the Mersey between the town of Liverpool and the County of Chester, parcel of the Duchy of Lancaster, together with the boat and all other profits, issues and emoluments belonging or pertaining to the same passage or ferry ; to have and to hold the said passage or ferry and other the premisses to the aforesaid Richard and his assigns from the feast of St. Michael the Archangel last past unto the end of the term of seven years then next following and fully to be complete ; paying therefore yearly to the aforesaid lord the King and his heirs 60^s. sterling at the feasts of Easter and of St. Michael the Archangel by equal portions. And if it should happen etc. with the provisions also above written. In witness whereof etc. Given at London on the sixth day of March in the first year.

By the Council of the aforesaid Duchy.

32. EXCERPTS FROM MINISTERS' ACCOUNTS. 1488-1537.

During this long period David Griffiths or Gruff, otherwise David Hervey or Harvey, or his widow Alice and one Henry Ackers, probably her son-in-law, farmed the town. The Ministers' Accounts throw little new light on the history of the farm during this period, for there are no difficulties to solve. The typical entry for this period is the following :

[Duchy of Lanc. *Ministers' Accounts*, Bundle 119, No. 1966, 3-4 Hen. VII].

[1489]. Lytherpole. Et de xiiij^d per ipsum receptorem de Dauid Heruy
firmario ibidem de exitibus

And of £14 by the receiver himself of David Harvey farmer there from revenues.

It is worthy of mention that although the rent of the farm in all these leases is £14, and of the two mills £1 each, that the only sum accounted for is the £14 which is paid for the farm of the town. In 1519-20 (12-13 Hen. VIII) David Griffiths paid £14 for the fee farm, but for the next five years, 1520 to 1525, it is his executors—unnamed—who make the payment, and in 1525-6 and afterwards Alice Griffiths and Henry Ackers.

83. HENRY VII'S FEE FARM LEASE TO DAVID GRIFFITHS.

14 May, 1488.

[Duchy of Lanc. Misc., No. 21 ; Register of Hen. VII, fol. 55 (b). See *Introduction*, 70].

Rex Per Assensum Consilij sui Ducatus sui Lancastrie ad firmam Dimisit David ap Griffith gentilman uillam et dominium de Lytherpoole cum pertinentijs in Comitatu Lancastrie ; Ac etiam unum Molendinum uentriticum uocatum Akresmylne et aliud Molendinum uentriticum uocatum Wauertermylne in Comitatu predicto ; Habendum etc a festo sancti Michaelis archangeli ultime preterito ante datum presencium usque ad finem termini vij Annorum etc. Reddendo etc uidelicet pro uilla et dominio predictis cum pertinentijs xiiij libras et pro dicto Molendino uocato Akersmylne xx' et pro alio Molendino uocato Wauertermylne xx' ad festa Pasche et sancti Michaelis archangeli equis porcionibus. Et si contingat etc prouisionibus consuetis. Datum Londonijs xiiij^o die Maij Anno tercio.

per Consilium ducatus predicti.

The King with the assent of his Council of his Duchy of Lancaster has let to farm to David ap Griffith, gentleman, the town and lordship of Liverpool with its appurtenances in the County of Lancaster, and also one windmill called Acres Mill and another windmill called Wavertree Mill in the County aforesaid, to have etc. from the feast of St. Michael the Archangel last past before the date of these presents unto the end of the term of seven years etc. paying etc. that is to say for the aforesaid town and lordship with its appurtenances £14, and for the said mill called Acres Mill 20^s. and for the other mill called Wavertree Mill 20^s. at the feasts of Easter and St. Michael the Archangel by equal portions. And if it should happen etc. with the usual provisions. Given at London on the fourteenth day of May in the third year.

By the Council of the aforesaid Duchy.

84. HENRY VII'S FEE FARM LEASE TO DAVID GRIFFITHS.

16 July, 1502.

[Duchy of Lanc. Misc., No. 21 ; Register of Leases, Hen. VII, fol. 57 (b)].

Rex etc Per Assensum Consilij sui Ducatus sui Lancastrie etc Concessit tradidit et ad firmam dimisit David Griffith gentilman uillam et dominium de Lytherpole cum pertinentijs in Comitatu Lancastrie ; Aceciam unum molendinum uentriticum uocatum Akersmyll et aliud molendinum uentriticum uocatum Wartermyll in Comitatu predicto ; Habendum etc A festo Sancti Michaelis Archangeli proxime futuro post Datum presencium usque ad finem termini Septem Annorum extunc etc ; Reddendo inde Annuatim uidelicet pro uilla et dominio predictis cum pertinentijs xiiij libras et pro dicto Molendino uocato Akersmyll uiginti solidos, Et pro alio molendino uocato Wartremyll uiginti solidos ad festa Pasche et Sancti Michaelis archangeli equis porcionibus. Et si contingat etc cum prouisionibus consuetis. Datum Londonijs xvj^{mo} die Julij Anno xviij^{mo}.

per Consilium ducatus predicti.

The King etc. by assent of his Council of his Duchy of Lancaster etc. has granted delivered and let to farm to David Griffith gentleman, the town and lordship of Liverpool with its appurtenances in the County of Lancaster; and also one windmill called Acres Mill and another windmill called Wavertree Mill in the County aforesaid; to have etc. from the feast of St. Michael the Archangel next coming after the date of these presents unto the end of the term of seven years then next etc.; paying therefor yearly that is to say, for the aforesaid town and lordship with its appurtenances £14, and for the aforesaid mill called Acres mill 20^s., and for the other mill called Wavertree Mill 20^s., at the feasts of Easter and St. Michael the Archangel by equal portions. And if it should happen etc. with the usual provisions. Given at London on the sixteenth day of July in the seventeenth year.

By the Council of the aforesaid Duchy.

35. HENRY VII'S FEE FARM LEASE TO DAVID, ALICE AND ROBERT GRIFFITHS.

4 March, 1505.

[Duchy of Lanc. Misc., No. 21; Register of Leases, Hen. VII, fol. 59].

Rex etc Per Aduisamentum Consilij sui Ducatus sui Lancastrie concessit tradidit et ad firmam dimisit David Griffith et Alicie uxori eius et Roberto Griffith filio eius uillam et dominium de Lytherpole cum pertinentijs in Comitatu Lancastrie; Necnon unam Batellam pro passagio ultra Aquam de Mercy et shamellas Carnificum ibidem, Tolneta fori et Nundinarum cum perquisitis Curiarum eiusdem Dominij; Et unum molendinum uentriticum uocatum Akersmyll et aliud molendinum uentriticum uocatum Wartremyll, parcellam manerij de Westderby parcella Ducatus predicti in Comitatu predicto; Habendum et tenendum etc A festo sancti Michaelis Archangeli proxime futuro etc usque ad finem termini uiginti et unius annorum extunc etc; Reddendo annuatim uidelicet pro dictis uilla et Dominio de Litherpole necnon pro batella predicta ultra aquam de Mercy ac shamellis Carnificum ibidem tolnetis fori et Nundinarum cum perquisitis Curiarum eiusdem Dominij xiiij libras, et pro molendinis predictis xl solidos ad festa Pasche et sancti Michaelis equis porcionibus. Et prefati firmarij et assignati sui reparabunt sustentabunt et manutenebunt omnia premissa sumptibus suis proprijs in omnibus reparacionibus que ad dominum Regem et heredes suos in eisdem pertinent, durante termino predicto. Et ea omnia in fine eiusdem termini bene et sufficienter reparata et sustentata in omnibus dimittent. Et si contingat etc. Absque ulla prouisione etc. Datum iij^{to} die Marcij Anno uicesimo.

per Consilium Ducatus predicti.

The King etc. by the advice of his Council of his Duchy of Lancaster has granted, delivered and let to farm to David Griffith and Alice his wife and Robert Griffith his son the town and lordship of Liverpool with its appurtenances in the County of Lancaster; and also a boat for the passage over the water of the Mersey and the butchers' shambles there, the tolls of the market and fairs with the perquisites of the court of the same lordship. And one windmill called Acres Mill and another windmill called Wavertree Mill, parcel of the manor of West Derby, parcel of the aforesaid Duchy in the aforesaid County; to

have and to hold etc from the feast of St. Michael the Archangel next coming etc. unto the end of the term of twenty-one years then etc.; paying yearly that is to say for the said town and lordship of Liverpool and also for the aforesaid boat over the water of the Mersey and the butchers' shambles there, the tolls of the market and fairs with the perquisites of the court of the same lordship £14; and for the aforesaid mills 40^s at the feasts of Easter and St. Michael by equal portions. And the aforesaid farmers and their assigns shall during the aforesaid term repair, sustain and maintain at their own costs and charges all the premisses in all repairs which belong therein to the lord the King and his heirs, and at the end of the same term they shall leave them all well and sufficiently repaired and sustained in all respects. And if it should happen etc. Without any provision etc. Given on the fourth day of March in the twentieth year.

By the Council of the aforesaid Duchy.

36. HENRY VIII'S FEE FARM LEASE TO ALICE GRIFFITHS AND HENRY AKERS

2 Dec., 1524.

[Duchy of Lanc. Misc., Vol. 30; Book of Enrolment of Leases, Hen. VIII, fol. 43 (b)].

Firma Dominij de Litherpole } REX AD FIRMAM Dimisit Alicie Gruff uidue
et unius batelle ibidem } et Henrico Akers firmam uille et Dominij de
Lytherpole cum pertinentijs in Comitatu Lancastrie, Necnon firmam unius
Batelle et passagij ultra aquam de Mercy ac firmam Shamellarum Carnificum
ibidem ac firmam tolnetorum ffori et nundinarum cum perquisitis Curiarum in
Litherpole predicto, Necnon firmam unius Molendini uentritici uocati Acres-
mylle et alterius Molendini uentritici uocati Wauertremyll infra Dominium
de West derby, parcellam Ducatus Lancastrie in comitatu Lancastrie; Habendum
et tenendum etc. prefatis Alicie et Henrico et assignatis suis a festo sancti
Michaelis Archangeli quod erit in Anno Domini Milesimo quingentesimo
uicesimo sexto usque ad finem termini xxj Annorum extunc etc.; Reddendo inde
antiquitus etc. uidelicet pro firma uille et Dominij predictorum necnon pro
Batella predicta cum Passagio ultra aquam de Mercy cum Shamellis Carnificum
necnon pro firma toneltis¹ ffori et Nundinarum cum perquisitis Curiarum de
Litherpole predicta xiiij libras, necnon pro firma Molendini uocati Acresmyll xx
solidos et pro firma Molendini uocati Wauertremyll predicti xx solidos, prout
Dicto Domino Regi responsum est ad festa Pasche et sancti Michaelis equis
porcionibus. Et ijdem firmarij et assignati sui reparabunt sustentabunt et
manutenebunt omnia premissa sumptibus suis proprijs et expensis in omnibus
reparacionibus que ad Dominum Regem et Heredes suos in eisdem pertinent,
Durante termino predicto. Et ea omnia in fine eiusdem termini bene et
sufficienter reparata et sustentata in omnibus Dimittent. Et si Contingat
etc. pro xl^a Dies proxime etc, cum prouisione si obierit. In cuius rei etc.
Datum Londonijs secundo die Decembris anno Sexto decimo.

Per Consilium Ducatus Predicti.

1. Sic for *tolnetis*.

Farm of the Lordship of Liverpool } The King has let to farm to Alice Gruff,
 and of one Boat there. } widow and Henry Akers, the farm of the
 town and lordship of Liverpool with its appurtenances in the County of Lancaster; and
 also the farm of one boat and of the passage over the water of the Mersey, and the farm
 of the butchers' shambles there and the farm of the tolls of the market and fairs with the
 perquisites of the court in Liverpool aforesaid; also the farm of one windmill called
 Acres Mill and of another windmill called Wavertree Mill within the lordship of West
 Derby, parcell of the Duchy of Lancaster in the County of Lancaster; to have and to
 hold etc. to the aforesaid Alice and Henry and their assigns from the feast of St.
 Michael the Archangel which shall be in the year of our Lord 1526 unto the end of the
 term of 21 years thence etc.; paying therefor yearly etc. that is to say for the farm of
 the aforesaid town and lordship, also for the aforesaid boat with the passage over the water
 of the Mersey with the butchers' shambles, also for the farm of the tolls of the market
 and fairs, with the perquisites of the courts of Liverpool aforesaid £14; also for the farm
 of the mill called Acres Mill 20^s., and for the farm of the mill called Wavertree Mill
 aforesaid 20^s., as it is answered to our said lord the king at the feasts of Easter and St.
 Michael by equal portions. And the same farmers and their assigns shall during the
 aforesaid term repair, sustain and maintain at their own costs and charges all the premises
 in all repairs which belong therein to the lord the King and his heirs, and at the end of the
 said term they shall leave them all well and sufficiently repaired in all respects. And if it
 should happen etc. for forty days next etc. with a provision in case of death. In witness
 whereof etc. Given at London on the second day of December in the sixteenth year.
 By the Council of the aforesaid Duchy.

37. HENRY VIII'S FEE FARM LEASE TO HENRY AKERS.

30 April, 1528

The original of this lease is in the Croxteth Muniment room, [Liverpool, Box 10, R 2, No. 2]. It is written in a good clear hand on one sheet of parchment which is slightly discoloured. There is one seal attached much broken. There is an enrolment of the lease in the record office; Duchy of Lanc. Misc., No. 30; Book of Enrolment of Leases, Hen. VIII, fol 66 (b).

HEC INDENTURA facta inter Excellentissimum principem et dominum
 dominum Henricum octauum dei gratia Anglie et francie Regem fidei
 Defensorem et dominum Hibernie ex una parte, Et Aliciam Gruff Viduam
 et Henricum Ackers ex altera parte; Testatur quod prefatus dominus Rex per
 aduisamentum et Assensum Consilij sui ducatus sui Lancastrie Concessit
 tradidit et ad firmam dimisit prefatis Alicie et Henrico firmam uille et dominij
 de Litherpoole cum pertinentijs in Comitatu Lancastrie, ac firmam unius
 Batelle et passagij ultra aquam de Mercy necnon firmam Shamellarum Carni-
 ficum ibidem, Ac firmam stallagiorum et Tolnetorum ffori et nundinarum
 cum perquisitis Curiarum ibidem, Necnon firmam Custumarum et Anchoragij
 siue Keyltoll Aquae de Mercy infra dominium de Litherpole predicto; Ac
 firmam unius Molendini uentritici uocati Acresmyll et alterius Molendini
 Ventritici Vocati Wauertremyll infra dominium de Westderby parcellam ducatus
 Lancastrie in Comitatu Lancastrie; HABENDVM et tenendum uillam et
 dominium predicta et cetera premissa cum pertinentijs prefatis Alicie et Henrico
 et assignatis suis a festo sancti Michaelis Archangeli proxime futuro post datum
 presencium usque ad finem termini uiginti Annorum extunc proxime sequentium

et plenarie complendorum ; REDDENDO inde Annuatim prefato domino Regi et heredibus suis uidelicet pro firma uille et dominiij predictorum necnon pro batella predicta cum passagio ultra Aquam de Mercy cum Shamellis Carnificum ac pro firma Stallagiorum et Tolnetorum flori et Nundinarum cum perquisitis Curiarum, Necnon pro firma Custumarum et Ancoragij siue Keyltoll Aque de Mercy infra dominium de Litherpole predicto quatuordecim libras de Antiqua firma et sex solidos et octo denarios ultra de incremento per Annum, Ac pro firma Molendini uocati Acresmyll uiginti solidos et pro firma Molendini uocati Wauertremyll predicti uiginti solidos prout dicto domino Regi responsum est ad festa Pasche et sancti Michaelis Archangeli equis porcionibus. Et Idem firmarij et Assignati sui reparabunt sustentabunt et manutenebunt omnia premissa sumptibus suis proprijs et expensis in omnibus reparacionibus que ad dominum Regem et heredes suos in eisdem pertinent durante termino predicto. Et ea omnia in fine eiusdem termini bene et sufficienter reparata et sustentata in omnibus dimittent. Et si CONTINGAT dictam Annuam firmam Aretro fore in parte uel in toto per quadraginta dies proxime post Aliquem terminum solucionis inde quo solui debeat non solutam ; EXTUNC bene liceat prefato domino Regi et heredibus suis in firmam predictam reintrare et illam in manus suas reassumere Ac in pristino statu suo possidere, presenti dimissione in aliquo non obstante. PROVISIO semper quod si prefati firmarij obierint infra terminum predictum, EXTUNC presens dimissio immediate post mortem ipsorum firmariorum sit uacua et nullius uigoris, hijs Indenturis in Aliquo non obstantibus. IN CIVIS rei testimonium uni parti huius Indenture penes dictos firmarios remanenti prefatus dominus Rex Sigillum suum ducatus sui predicti mandauit Apponi ; ALTERI uero parti eiusdem Indenture penes dictum dominum Regem remanenti prefati firmarij sigilla sua Apposuerunt. DATVM LONDONIS ultimo die Aprilis Anno Regni dicti domini Regis Henrici octauu uicesimo.

PER Consilium ducatus predicti.

This indenture made between the most excellent prince and lord, the lord Henry the Eighth by the grace of God King of England and France, Defender of the faith and lord of Ireland on the one part, and Alice Gruff widow and Henry Akers on the other part ; witness that the aforementioned lord the King by the advice and assent of his Council of his Duchy of Lancaster has granted, delivered and let to farm to the aforementioned Alice and Henry the farm of the town and lordship of Liverpool with its appurtenances in the County of Lancaster and the farm of a boat and of the passage over the water of the Mersey, and also the farm of the butchers' shambles there and the farm of the stallage and tolls of the market and fairs with the perquisites of the Courts there, and also the farm of the customs and anchorage or keyltoll of the water of the Mersey within the lordship of Liverpool. aforesaid, and the farm of one windmill called Acres Mill and of another windmill called Wavertree Mill within the lordship of West Derby, parcel of the Duchy of Lancaster in the County of Lancaster ; to have and to hold the aforesaid town and lordship and other the premisses with the appurtenances to the aforementioned Alice and Henry and their assigns from the feast of St. Michael the Archangel next coming after the date of these presents unto the end of the term of twenty one years then next following and fully to be complete ; paying therefor yearly to the aforementioned the lord the King and his heirs that is to say for the farm of the aforesaid town and lordship and also for the aforesaid boat with the passage over the water of the Mersey with the butchers'

shambles and for the farm of the stallage and tolls of the market and fairs with the perquisites of the Courts, and also for the farm of the customs and anchorage or keyltoll of the water of the Mersey within the lordship of Liverpool aforesaid £14 for the ancient farm and 6^s 8^d more for the increase by the year ; and for the farm of the mill called Acres Mill 20^s, and for the farm of the mill called Wavertree Mill aforesaid 20^s, as it is answered to the said lord the King at the feasts of Easter and of St. Michael the Archangel by equal portions. And the same farmers and their assigns shall during the aforesaid term repair, sustain, and maintain at their own proper costs and charges all the premisses in all repairs which belong therein to the lord the King and his heirs ; and at the end of the same term shall leave all these things well and sufficiently repaired and sustained in all respects. And if it should happen that the said annual farm be in arrear and unpaid in part or in whole for forty days next after the term of payment, whereon it ought to be paid, then it shall be lawful for the aforesaid lord the King and his heirs to enter again into the aforesaid farm and to take it again into their hands and to possess it in its former state, the present lease in anything notwithstanding. Provided always that if the aforesaid farmers die within the aforesaid term, then the present lease shall be immediately after the death of those farmers void and of no effect, these indentures in anything notwithstanding. In witness whereof the aforesaid lord the King has ordered his seal of his aforesaid Duchy to be put to the one part of this indenture remaining in the hands of the said farmers ; and the aforesaid farmers have set their seals to the other part of the same indenture remaining in the hands of the said lord the King. Given at London on the last day of April in the twentieth year of the reign of the said lord King Henry VIII.

By the Council of the aforesaid Duchy.

Heydon.

38. HENRY AKERS' LEASE TO JOHN THOMASSON OF TWO WINDMILLS.

Dec. 1, 1529

The original which is in the Croxteth Muniment Room [Liverpool, Box 10, Bundle R 2, No. 3], is written on one sheet of parchment in a somewhat crabbed and difficult hand. The ink is a little faded. There should be two seals, but one is wanting and the other is badly broken. There is a bond, [Box 10, Bundle R 2, No. 4], from John Thomasson and George Johnson to Henry Akers of £20 to fulfil the conditions of the lease.

This Indenture made the fyrst Day of Decembre in the xxjth yere of the regn of Kyng Henry the viijth betwixt Henry Accres of Derby wⁱⁿ the Countie of Lanc' gentilman vpon that on partie And John Thomasson of Derby before-said wright and George Johnson his son vpon y^e other p'tie. Witnesseth that itt is condescended graunted & agreed betwixt the said p'tiez in man' & forme folloeng that is to say Inp^s the said Henry hath Dymysed graunted & to ferme leten And by these p'sents dymyseth graunteth & to ferme leteth vnto the said John & George too Wyndy Milnez wⁱⁿ the fraunchez & libertiez of lyu'pole Wherof that on is called the Towne ende Milne And that other Estam Mylne Wheche too Milnez w^t other the said Henry holdeth of our lord Kyng fore t'me of yers as in the Kyngs writyng vnder Seale more playnly appereth to haue hold & occupie the said too Wyndy Mylnez w^t thap'tenannces vnto the said John & George theyr asign or executo's from the fest of saynt michell tharch'ill last past before the Date hereof during all the t'me of yers which the said Henry

the said too wyndy Milnez holdeth of our lord Kyng before the day of making of thes p'sents graunted. For the which too Milnez the said John & George graunten & by y^e p'sents agreen to pay or cause to be paiet vnto the said Henry his assign or executors faurty & ten shillings yerly eu'y yere at the fest of Pasche & Saynt Michell tharch'ill by even porcions for all man' rents s'uics belongeng to y^e said Henry And also to make all man' Costs of vpholdeing & rep'elleing of the said too Milnez & aither of theym dureing all the t'me before said open theyr ownen p'p' Costs Chargs & expencs as well w' Posts Milne stonez and all man' Irne gere & tymbre as Coggus Rougus Milne yards Sailez Shrods w' all othr necessariez in Tymbyr & Irne as workmanship during all the said t'me And in the ende of the said t'me the said too Milnez & aither of theym hably vphelden & rep'elled hable to goo & to grynde by the sight of too milures & too wrights shall leve. And if it appen the said rent of faurtie & ten shillyngs be behynd not paiet in part or in all over any fest Which it oghe to pe paiet at by xx^{te} daiez the said fest next & imediately folloeng then it shalbe leyfull unto the said Henry his assign or executors in & open the said too Milnez & ayther of theym or any launds or ten'ts y^t the said John & George or awther of theym their heirs or assignes helden or occupien w'in the lordship of Derby to distreyn And the distressz so & by that cause taken to dryve away take away pyn & Imperte & anends theym self helde vntill the said rent of faurtie & ten shillengs w' th' arerags of the same if ther any be to theym truly be content & paiet And also the said Henry by these p'sents Covenauteth graunteth & agreeth to save obs'ue & kepe the said John & George & ayther of theym theire asign & executors harmeless w'out lose trouble or vexacon of our lord Kyng or any other his officer or officers anends & for all man' rents s'uics or any other Dutie or dutiez vnto our lord Kyng of & for the said too Milnez & ayther of theym belongeng during all the said t'me. And the said Henry his heirs assign or executors the said too Milnez & aither of theym vnto the said John & George & ayther of theym theyre asign or executors agyn all folks shall adwaraunt & dureng the t'me before said in man' & forme beforesaid defende. Into Witnese here of to these Indenturs the partiez beforesaid aither anends other ent'chaungeably have sett their sealez Geven the day & yere beforesaid ec'.

39. HENRY AKERS' LEASE TO HENRY POGHDEN OF TWO WINDMILLS,

1 Dec., 1529.

The original which is in the Croxteth Muniment Room [Liverpool, Box 10, Bundle R 2, No. 5], is written on one sheet of parchment in a fairly clear and good hand. The ink is a little faded. The seals are missing. There is a bond [Box 10, Bundle R 2, No. 6] from Henry and Roger Poghden to Henry Akers of £20 to fulfil the conditions of the lease.

ABSTRACT. This indenture is similar to that between Henry Akers and John Thomas-son. It is dated 1 Dec. 21 Hen. VIII, and is made between Henry Akers and "Henry Poghden of Wau'tre w'in the said Countie Milne' & Roger Poghden." By it Akers granted to Poghden Wavertree Mill and Akers Mill for the time during which Akers held them from the King at a rent of 46^s 8^d, 6^s 8^d of which was to be paid to Akers at Easter, and 40^s at Michaelmas to the Bailiff of Derby and Wavertree on behalf of the King.

40. HENRY AKERS' FEE FARM LEASE
TO THE CORPORATION

15 March, 1530

The original which is in the Croxteth Muniment Room [Liverpool, Box 10, R 2, No. 7], is written in a somewhat crabbed hand on one sheet of parchment, which is slightly discoloured. The ink is rather faded. There should be four seals, but three are missing and the fourth is badly broken.

This Indenture made the xvth Day of March in the xxjth yere of the regn of Kyng Henry the viijth betwyxt Henry Accres of Derby wthin the Countie of Lanc' gentilman vpon the on p'tie And Thomas Halghton John Walker Thomas Walker John Ireland Wil^m Walker Roger fazakirley Wil^m Secome Richard Barker & Nicholas Thomasson of Lyu'pole And all the Burgessez & Comynalty of Lyu'poole vpon that oth^r partie Witnesseth that the said Henry hath dymysed taken & by these p'sents to ferme leten Unto the said Thomas John Thomas Walker John Ireland Wil^m Rog' Wil^m Secome Richard & Nicholas Thomasson and the Burgessez and Comynalty of Lyu'pole all the customez Tolles fleshamawes & ferry Boate of Lyu'pole w^t all sailes cablez et other necessaries & advantags to the said Costomez Tolles fleshamawez & ferry Boate belonging & before tyme acostomed & vsed To haue hold & p'ceyve all & eu'y the foresaid costomez Tolles fleshamawez & ferry Boate w^t all the p'fetts & advantags of theym vnto the said Thomas John Thomas Walker John Ireland Wil^m Rog' Wil^m Secome Ric' & Nic' Thomasson & Burgessez & Comynalty to the p'fetts vse & advantags of the Burgessez & Comynalty of the Town of Lyu'pole before said from the fest of saynt Michell tharch'ill next to come aftyr the Date hereof Vntill the ende of the t'me of vj yers then next & Immediattly ensueng Payeng therfore yerly eu'y yer vnto the said Henry his assign or leyfull attorney ten pounds st'lingg at the the [sic] festes of Pashce & saynt Michell tharch'ill by even porcions And also the said Thomas John Thomas Walker John Ireland Wil^m Rog' Wil^m Secome Ric' & Nic' Thomasson & Burgessez & Comynalty of Lyu'pole by y^e p'sents Covenanten & graunten to redelyu' the said fleshamawez & ferry Boate at the ende of the said vj yers aswell rep'elled & vpholden as they receyve theym or ellez another Boate as gud that was when they receyved it And also the said Henry by these p'sents covenannteth & graunteth that aftyr the ende of the said vj yers the said Thomas John Thomas Walker John Ireland Wil^m Rog' Wil^m Secome Ric' & Nic' Thomasson & Burgessez & Comynalty of Lyu'pole before said shall haue holde et p'ceyve that on half of all the said Costomez Tollez, fleshamawez & ferry Boate w^t all the advantags of the same during all such t'me & yers to the said Henry the said Costomez, Tollez, fleshamawez & ferry Boate hath any lesse or graunt of. And the said Thomas John Thomas Walker John Ireland Wil^m Rog' Wil^m Secome Ric' & Nic' Thomasson & Comynalty of Lyu'pole to pay or cause to be paiet yerely eu'y yere unto the said Henry his assign or leyfull attorney fyve pounds st'lyng at y^e said festes of pasche & saynt Michell tharch'ill by even porcions. And to make half the Costs of rep'elling & vpholdeng of the said fleshamawez & ferry Boate And the said Henry to make that other half of the Costs of rep'elling of the same dureing all the t'me

as is before said And the said Henry to occupie that other half of the said Costomez Tollez ffleshamowes & ferry Boate to his owne p'per vse & advantags Provyded allway that if the said Henry decesse w'in the said t'me or t'mez before spoken then the said t'me graunte & dymyse to cesse & be voide. And the said Henry all the said Costomez Tollez ffleshamowez & fferry Boate w' the advantags of the same vnto the said Thom's John Thom's Walker John Ireland Wil'm Rog' Wil'm Secome Ric' & Nic' Thomasson & Burgessez & Comynalty before said dureng all the t'me or t'mez beforsaid in man' & forme befor said agayn all folks shall adwaraunt & defende. Into Witnesse hereof the said p'tiez ayther Anends other ent'chaungeably haf sette theyr seallez Geuen the Daye & yer before said etc'

per me Thomam Halghton John Walker John Irlond.

[Endorsement : These psons were present at the sealing of this writyng. [none named].

41. EXCERPTS FROM MINISTERS' ACCOUNTS. 1537-1628.

During this long period, the Molyneux family farmed the town, at first from 1537 to 1546 under Holcroft and afterwards by a series of grants made by the Crown. In 1537 the Griffith lease fell in by death or forfeiture, and Henry VIII leased the fee farm to one Thomas Holcroft. But in the same year, in August,¹ Holcroft sublet the lease to Sir William Molyneux; and in 1545 he surrendered the lease to the Crown in order that a lease made be granted in favour of the Molyneuxes. From that time until 1628, when Charles I sold the lordship of the town to the citizens of London, the Molyneux family farmed the town. The curious Bedyll lease has been discussed elsewhere.² It follows therefore that the Ministers' Accounts for this period are not of great value or interest, for there are no difficulties to solve. A typical extract for this period is :

[Duchy of Lanc. *Ministers' Accounts*, Bundle 125, No. 20201, 1-2 Ed. VI].

Et de xiiij^d vj^d viij^d per ipsum Recepto de Ricardo Molyneux
Lytherpole. Armigero ffirmario ibidem de Exitibus firme sue ut patet
Compotum suum inde factum ostensum et exanimatum.

And of £14. 6^d. 8^d. received by him from Richard Molyneux, esquire, farmer there, from the revenues of his farm, as is clear from his account then made, shown and examined.

42. HENRY VIII.'S FEE FARM LEASE TO THOMAS HOLCROFT,

20 Feb., 1537.

[Duchy of Lanc. Misc., Vol. 30; Book of Enrolment of Leases, Hen. VIII, fol. 115 (b). See *Introduction*, 70].

Villa et dominium	}	Rex etc ad firmam dimisit Thome Holcroft armigero
de Litherpole		uillam et Dominium de Litherpole cum pertinentijs
		in Comitatu Lancastrie; Necnon unam batellam et
		passagium ultra aquam de Mercy ac Shamellas Carnificum ibidem; Acceiam
		stallagium et tolmeta ffori et nundinarum cum perquisitis Curiarum in

1. See p. 338, Molyneux's Lease to the Corporation, 1539.

2. See p. 71, n. 8.

Litherpole predicto, necnon Custumas et Anchoragium siue Keiltolle aque de Mercy infra dominium de Litherpole predicto, ac unum Molendinum uentriticum uocatum Acresmylle et alterum Molendinum uentriticum uocatum Wauertremylle infra dominium de Westderby parcellam Ducatus Lancastrie in Comitatu Lancastrie; Habendum et tenendum uillam et dominium predicta et cetera premissa cum pertinentijs prefato Thome et assignatis suis a festo sancti Michaelis Archangeli ultime preterito ante datum presencium usque ad finem termini uiginti unius annorum extunc etc. Reddendo inde annuatim etc uidelicet pro firma uille et dominij predicti Necnon pro Batella predicta cum passagio ultra aquam de Mercy cum Shamellis Carnificum ac pro firma Stallagij et tolnetorum fori et Nundinarum perquisitis Curiarum de Litherpole predicto, necnon pro firma Custumarum et Ancoragij siue Keiltolle aque de Mercy infra dominium de Lytherpole predicto quatuordecim libras de antiqua firma et sex solidos et octo denarios ultra de ultimo incremento per annum, ac pro firma Molendini uocati Acresmylle predicti uiginti solidos et pro firma Molendini uocati Wauertremylle uiginti solidos sterlingorum, prout Domino Regi responsum est ad festa Pasche et sancti Michaelis Archangeli equis porcionibus. Et idem firmarius et Assignati sui reparabunt sustentabunt et manutenebunt omnia et singula premissa sumptibus suis proprijs et expensis in omnibus reparacionibus que ad Dominum Regem et Heredes suos in eisdem pertinent durante termino predicto. Et ea omnia in finem eiusdem termini bene et sufficienter reparata et sustentata in omnibus dimittent. Et si Contingat etc per quadraginta dies etc. Cum prouisionibus consuetis. In Cuius rei etc. Datum Londonijs uicesimo die februarij Anno Regis Henrici viij xxviij^o.

per Consilium Ducatus predicti.

The King has let to farm to Thomas Holcroft Esq., the town and lordship of Liverpool with its appurtenances in the County of Lancaster, and also a boat and the passage over the water of the Mersey, and the butchers' shambles there, and also the stallage and tolls of the market and fairs with the perquisites of the courts in Liverpool aforesaid, and also the customs and anchorage or keytoll of the water of the Mersey within the lordship of Liverpool aforesaid, and one windmill called Acres Mill and another windmill called Wavertree Mill within the lordship of West Derby, parcel of the Duchy of Lancaster in the County of Lancaster; to have and to hold the aforesaid town and lordship and other the premises with the appurtenances to the aforesaid Thomas and his assigns from the feast of St. Michael the Archangel last past before the date of these presents unto the end of the term of twenty one years then etc. Paying therefor yearly etc., that is to say, for the farm of the town aforesaid and lordship aforesaid, and also for the aforesaid boat with the passage over the water of the Mersey with the butchers' shambles, and for the farm of the stallage and tolls of the market and fairs with the perquisites of the courts of Liverpool aforesaid, and also for the farm of the customs and anchorage or keytoll of the water of the Mersey within the lordship of Liverpool aforesaid £14 for the ancient farm, and 6^s 8^d more for the last increase by the year; and for the farm of the mill called Acres Mill aforesaid 20^s, and for the farm of the mill called Wavertree Mill 20^s sterling, as it was answered to the lord the King at the feasts of Easter and St. Michael the Archangel by equal portions. And the same farmer and his assigns shall during the aforesaid term

repair, sustain and maintain all and each of the premisses at their own costs and charges in all repairs which belong therein to the lord the King and his heirs, and at the end of the same term they shall leave all these things well and sufficiently repaired and sustained in all respects. And if it should happen etc. for forty days etc. with the usual provisions. In witness whereof etc. Given at London on the twentieth day of February in the twenty-eighth year of King Henry VIII.

By the Council of the aforesaid Duchy.

43. SIR WILLIAM MOLYNEUX'S FEE FARM LEASE TO THE CORPORATION.

3 Sept., 1539.

The original which is in the Croxteth Muniment Room, [Liverpool, Box 10, Bundle R 2], is written on one sheet of parchment which is slightly discoloured, in a good clear hand. The ink is very black. Four small seals should be attached, but there are two missing, and the other two are broken. See *Introduction*, 71.

THIS INDENTUR MADE the thryde day of Septembr' in the xxxjth yer of the Reigne of o^r Sou'eigne lord Knyg Henry the eight. Betwen Sir Willm Molyneux of Sefton in the Countie of Lanc' Knyght upon the one partie And Cristopher Hoghe mayr' of Litherpole Thom^s Walker Will^m Walker Rog' Walker John Hope Thos ffayrclogh Ryc' Walker' Rauff Baley Rc Raynford Alexand' Garnet Rauff Segerston & Robt Barker of the said towne of Litherpole, wⁱⁿ the said Countie upon the oth' partie Witnessith THAT WHER' the kyng o^r said Sou'eigne lord by his Indent' und^r the Seall of his Duchie of Lanc' beryng date at London the xxth day of februarie in the xxvijth yer of his Reigne by th^e advise & assent of his Counsell of his Duchie of Lanc' hath gr^{anted} betaken et to ferme lette to Thom^s Holcrofte Squyer y^e towne & lordship of Lith'pole wth thapp'tenns in y^e said Countie And also one Boote & Passage ou' the Wat' of Mercy & the ffeshamells ther And also the Stallage & tolle of the market & ffayres wth the p'quisits of the Courte of lith'pole aforesaid And also the custom & Ancorage or keyll tolle of the Wat' of mercy Wⁱⁿ the lordship aforesaid i' the said Countie of Lanc' TO HAVE & to hold the towne & lordshippe aforesaid & oth^r the p'misses wth thapp'ten'ncs to the said Thom^s & his assignes from the feste of saynt michell th'archangell laste paste befor the date of the said Indent' made by o^r said Sou'eigne Lord vnto the Ende & t^{ime} of xxjth yeres then next foloyng & fully to be complete yeldyng therfore yerly to o^r said Sou'eigne Lord y^e King & his heires for the ferme of the said towne & lordship aforesaid & all oth^r the p'misses in the lordship of Lith'pole aforesaid fourtene pownds for shillyngs eight pence AND ALSO Wher' the said Thom^s Holcrofte by Indent'e dated the xxvijth day of Auguste in the xxixth yer of o^r said Sou'eigne lord is Reigne made, betwen Sir Willm Molyneux of Sefton in the Countie of Lanc' Knyght vpon the one partie & the said Thom^s Holcrofte, Esquyer vpon the oth' partie hath geven gr^{anted} & dimised to y^e said Sir Willm Molyneux the said towne & lordship of Lith'pole wth thapp'ten'ncs & all oth^r the p'misses before gr^{anted} betaken

1. This name is inserted in the margin.

& to ferme lette to the said Thom^s Holcrofte TO HAVE et to hold the said Towne & Lordship of Lith'pole & all oth^r the p'misses to the said Sir Will'm Molyneux his executo's & Assignes from the said feste of saynt michell th'archangell in the xxvijth yere of the Reigne of o^r Sou'eigne lord the Kyng unto the Ende & t'me of xxth yeres then next & immediatly foloyng fully to be complete & ended if the said Thom^s Holcrofte soe long doe liff NOW the said Sir Will'm by this p'sent Indent^r for c'teyn consideracons hym movyng hath gr^aunted betaken & to ferme Lett to the said Cristopher Hoghe mayr of Lith'pole Thom^s Walker & oth^r before named of the town of Lith'pole the moyte or halffe of the town & lordship of Lith'pole w^t thapp'tenns in the said Countie of Lanc' AND also the said Sir Will'm hath gr^aunted betaken & to ferme Lett to the said Mayr & the said before named the moyte or halffe of the yerely p'fetts cumyng & groying of one Boote & Passage ou' the Wat^r of mercy & of the ffleshamells there AND also the moyte & halffe of the yerely p'fetts of the stallage & tolle of the market & ffeyres w^t the pquisits of the Courte in Litherpole aforesaid AND also the moyte or halffe of the yerely p'fetts of the Custom & Ancorage or keyll tolle of the Wat^r of Mercy, wⁱⁿ the Lordship before said TO HAVE & to hold the moyte or halffe of the yerly p'fetts of the said town & lordship aforesaid And the moyte or halffe of the yerely p'fetts of all & eu'y oth^r the p'misses w^t thapp'ten^ances to the s^d mayr & oth^r before named of the said town of Lith'pole from the feste of saynt Michell tharchangell next to cu' aft^r the date of these p'sent Indent's vnto the Ende & terme of fiftene yeres then next foloyng & fully to be complete & ended if the said Thom^s Holcrofte soe long doe liff yeldyng & paying therfor yerely to the said Sir Will'm Molyneux his executo's or Assignes at the feste of thanu'ciation of o^r Ladie thre pownds xj^s viij^d And at the ffeste of Pentecoste lvj^s viij^d And at the feste of saynt Michell tharchangell thre pounds xj^s viij^d of Leifull money of England AND also the said Mayr & the said befor named of the town of Lith'pole shall yerely duryng the said t'me discharge & save harmeles the said Sir Will'm his heires Executo's & Assignes of that one halffe of all the costes & charges that shall belong hereaft^r to be made in eny wise of in & for the p'misses & eu'y parcell thereof anends o^r said Sou'eign lord the Kyng & the said Thom^s Holcrofte And soe yerely discharged to leave the same AS WELL in the Repa'tions of the said Boote as the ffleshamells and all oth^r thyng or thyngs app'teynyng to p'misses at the Ende of theyr said t'me AND FOR THE SURE & true yerely payment of the said sume of ten pownds well & truly to be paied by the said mayr & the befor named of the said town of Litherpole to the said Sir William his executo's or assignes the said mayre & the before named gr^aunten to be bounden by their escript obligorie to the said S^r Will'm his executors & assignes in the Sume of one hundreth pownds sterlyng ALSO the said Sir Will'm Molyneux couen^anteth & gr^aunteth for hym his executo's & assignes to & w^t the said mayre & the before named of the town of Litherpole that he the said Sir Will'm or his assignes from tyme to tyme at all tymes vpon the resonable requeste of the said mayre & the befor named of the town of Lith'pole shall shew furth the said Indent^r made between the said Sir Will'm & the said Thoms Holcrofte beryng Date the xxvijth day of Auguste in the xxxixth yere of o^r

said Sou'eigne lord is Reigne for the B'n'fite com'odite or p'fett of the said mayre & the before named & mayntenynge of this p'sent lease IN WITTENES wherof to these Indent's the parties aboue named Ent'changeably haue setto their Sealles the day & yere aboue said

p' me Rauff Sekerston
et Thomas fawrclyff p' me
Alex^{der} Garnett
Thom Howpe
Robert Barcar

[Endorsement : These p'sons were p'sent when these w'tings were sealet
Johns Bolton sen'
Wyllm Stoner
Ryc Warmycham
& Henry Norres et
multis alijs
3d day of S.]

44. HENRY VIII'S FEE FARM LEASE TO SIR WILLIAM MOLYNEUX

4 Nov., 1545

[Duchy of Lanc. Misc., Vol. 30 ; Book of Enrolment of Leases, Hen. VIII, fol. 172].

Villa et dominium } Rex ad firmam dimisit Willielmo Molyneux Militi et
de Letherpole } Ricardo Molyneux filio predicti Willielmi armigero Testa-
tur quod cum prefatus Dominus Rex, per quamdam aliam
Indenturam Sigillo Ducatus sui Lancastrie sigillatam Datam Londonijs uicesimo
die february Anno Regni sui uicesimo octauo per aduisamentum et assensum
Consilij sui Ducatus sui Lancastrie predicte concesserit tradiderit et ad firmam
dimiserit cuidam Thome Holcrofte Militi per nomen Thome Holcrofte armigeri
uillam et Dominium de Litherpole cum pertinentijs in Comitatus Lancastrie,
Necnon unam Batellam et passagium ultra aquam de Mercy, Ac Shamellas Carni-
ficum ibidem, Ac etiam Stallagium et tollneta fori et Nundinarum cum perquisitis
Curiarum in Litherpole predicto, Necnon Custumas et Ancoragium siue Keil-
toll aque de Mercy infra dominium de Litherpole predicto, Ac unum molen-
dinum uentriticum uocatum Acresmyll et alterum Molendinum uentriticum
uocatum Wauertremyll infra dominium de Westderby, parcellam Ducatus
Lancastrie in Comitatu Lancastrie ; Habendum et tenendum uillam et domini-
um predicta et cetera premissa cum pertinentijs prefato Thome Holcrofte et
assignatis suis a ffesto sancti Michaelis Archangeli tunc ultime preterito ante
Datum eiusdem Indenture usque ad finem termini uiginti unius Annorum
extunc etc ; Reddendo inde etc, uidelicet pro firma uille et dominij predic-
torum Necnon pro Batella predicta cum passagio ultra aquam de Mercy cum
Shamellis Carnificum, Ac pro firma stallagij et tolnetorum fori et Nundinarum
cum perquisitis Curiarum de Lytherpole predicto, Necnon pro firma Custu-
marum et Ancoragij siue Keiltolle aque de Mercye infra Dominium de Lither-
pole predicto quatuordecim libras de antiqua firma et sex solidos et octo
denarios ultra de ultimo incremento per Annum, Ac pro firma Molendini uocati
Acresmyll predicti uiginti solidos et pro firma Molendini uocati Wauertremyll

uiginti solidos sterlingorum, prout Domino Regi tunc responsum fuit, ad festa Pasche et sancti Michaelis Archangeli equis porcionibus. Et quod idem Thomas et assignati sui repararent sustentarent et manutenerent omnia et singula premissa sumptibus suis proprijs et expensis in omnibus reparacionibus que ad prefatum Dominum Regem et Heredes suos in eisdem pertinerent durante eodem termino, et ea omnia in fine termini predicti bene et sufficienter reparata et sustentata in omnibus dimitterent. Cum quadam Clausula in predicta Indentura superius specificata quod si contingeret redditum predictum superius in predicta Indentura specificatum aretro fore in parte uel in toto per quadraginta dies proxime post aliquem terminum solucionis inde quo solui deberet non solutum, quod extunc bene liceret prefato Domino Regi et Heredibus suis in firmam predictam reintrare et illam in manus suas reassumere ac in pristino statu suo possidere, presenti dimissione in aliquo non obstante. Ac cum duabus prouisionibus consuetis in predicta Indentura specificatis prout in eadem Indentura plenius continetur. Jamque prefatus Thomas Indenturam predictam sibi de premissis ut prefertur factam in uoluntate existit restituere cancellandam Et eandem Indenturam coram Cancellario et Consilio Ducatus predicti in Camera eiusdem Ducatus apud Westmonasterium sursum reddidit cancellandam et ibidem cancellata existit; Ea Intencione quod prefatus Dominus Rex predicta uillam et Dominium de Litherpole cum pertinentijs in Comitatu Lancastrie predicto et omnia et singula cetera premissa in predicta Indentura superius specificata pro termino Annorum prefatis Willielmo Molyneux et Ricardo Molyneux filio eiusdem Willielmi per aliam Indenturam sub Sigillo Ducatus sui predicti gracie concedere dignaretur. Super quo idem Dominus Rex per aduisamentum et assensum Consilij sui Ducatus sui Lancastrie predictae concessit tradidit et ad firmam dimisit prefatis Willielmo Molyneux et Ricardo Molyneux predicta uillam et Dominium de Lytherpole cum pertinentijs in Comitatu Lancastrie predicto, necnon unam Batellam et passagium ultra aquam de Mercy, Ac Shamellas Carnificum ibidem, Ac etiam Stallagium et tolmeta fori et Nundinarum cum perquisitis Curiarum in Litherpole predicto, Necnon Custumas et Ancoragium siue Keiltoll aque de Mercy infra Dominium de Litherpole predictum, Ac unum molendinum uentriticum uocatum Acresmyll, et alterum Molendinum uentriticum uocatum Wauertremyll infra Dominium de Westderby, parcellam Ducatus predicti in Comitatu Lancastrie predicto: Habendum et tenendum uillam et dominium predicta et cetera premissa cum pertinentijs prefato Willielmo et Ricardo et assignatis suis a festo sancti Michaelis Archangeli ultime preterito ante datum presentium usque ad finem termini uiginti unius Annorum extunc proxime sequentium et plenarie complendorum; Reddendo inde etc. uidelicet pro firma uille et dominij predicti, necnon pro batella predicta cum passagio ultra aquam de Mercy cum Shamellis Carnificum, Ac pro firma stallarum et tolmetorum fori et Nundinarum cum perquisitis Curiarum de Litherpole predicto, necnon pro firma Custumarum et Ancoragij siue Keyltoll aque de Mercy infra dominium de Litherpole predicto quatuordecim libras de antiqua firma et sex solidos et octo denarios ultra de antiquo ultimo incremento per Annum, Ac pro firma Molendini uocati Acresmyll predicti uiginti solidos, et pro firma Molendini uocati Wauertremyll uiginti solidos

sterlingorum, prout Domino Regi responsum est ad festa Pasche et sancti Michaelis Archangeli equis porcionibus. Et iidem firmarij et assignati sui reparabunt sustentabunt et manutenebunt omnia et singula premissa sumptibus suis proprijs et expensis in omnibus reparacionibus que ad dominum Regem et Heredes suos in eisdem pertinent durante termino predicto. Et ea omnia in finem eiusdem termini bene et sufficienter reparata et sustentata in omnibus dimittent. Et si contingat etc. per quadraginta dies etc. In cuius Rei etc. Datum Londonijs uicesimo quarto die Nouembris Anno Regni Regis Henrici octavi xxxvij^{mo}.

The town and lordship of Liverpool } The King has let to farm to William Molyneux Knight and Richard Molyneux, son of the aforesaid William, Esq. Witnesseth that whereas the aforesaid lord the King by another indenture sealed with the seal of his Duchy of Lancaster, given at London, February 20th, in the twenty eighth year of his reign, by the advice and assent of his Council of his Duchy of Lancaster aforesaid granted, delivered and let to farm to one Thomas Holcroft, Knight, by the name of Thomas Holcroft, Esq., the town and lordship of Liverpool with its appurtenances in the County of Lancaster, and also a boat and the passage over the water of the Mersey and the butchers' shambles there, and also the stallage and tolls of the market and fairs with the perquisites of the courts in Liverpool aforesaid, and also the customs and anchorage or keyltoll of the water of the Mersey within the lordship of Liverpool aforesaid, and one windmill called Acres Mill and another windmill called Wavertree Mill within the lordship of West Derby parcel of the Duchy of Lancaster in the County of Lancaster; to have and to hold the aforesaid town and lordship and the rest of the premisses with the appurtenances to the aforesaid Thomas Holcroft and his assigns from the feast of St. Michael the Archangel then last past before the date of the same indenture unto the end of the term of twenty one years then etc. Paying therefor etc. that is to say, for the farm of the aforesaid town and lordship and also for the aforesaid boat with the passage over the water of the Mersey with the butchers' shambles, and for the farm of the stallage and tolls of the market and fairs with the perquisites of the courts of Liverpool aforesaid, and also for the farm of the customs and anchorage or keyltoll of the water of the Mersey within the lordship of Liverpool aforesaid £14 for the ancient farm, and 6^s 8^d more for the last increase by the year; and for the farm of the mill called Acres Mill aforesaid 20^s and for the farm of the mill called Wavertree Mill 20^s sterling, as it was then answered to the lord the King at the feasts of Easter and of St. Michael the Archangel by equal portions. And that the same Thomas and his assigns should during the same term repair, sustain and maintain all and singular the premisses at their own proper costs and charges in all repairs which belong therein to the aforesaid lord the King and his heirs; and that at the end of the aforesaid term they should leave all these things well and sufficiently repaired and sustained in all respects. With a clause in the aforesaid indenture above specified that if it should happen that the aforesaid rent above specified in the aforesaid indenture be in arrear and not paid in part or in whole for forty days next after any term of payment whereon it ought to be paid, that then it should be lawful for the aforesaid the lord the King and his heirs to enter again into the aforesaid farm and to take it again into their hands and to possess it in its former state, the present lease in anything notwithstanding. And with the two usual provisions specified in the aforesaid indentures as it is more fully contained in the same indentures. And now the aforesaid Thomas is desirous, as it is represented, of surrendering the aforesaid indenture made to himself about the premisses to be cancelled; and he surrendered the same indenture before the Chancellor and Council of the

aforesaid Duchy in the Chamber of the same Duchy to be cancelled, and it was there cancelled, with the intent that the aforesaid lord the King might graciously deign to grant for a term of years to the aforesaid William Molyneux and Richard Molyneux son of the same William, by another indenture under the seal of his aforesaid Duchy, the aforesaid town and lordship of Liverpool with its appurtenances in the County of Lancaster aforesaid, and all and every other the premisses in the aforesaid indenture above specified. Whereupon the same the lord the King by the advice and consent of his Council of his Duchy of Lancaster aforesaid has granted, delivered and let to farm to the aforesaid William Molyneux and Richard Molyneux the aforesaid town and lordship of Liverpool with the appurtenances in the County of Lancaster aforesaid, and also a boat and the passage over the water of the Mersey and the butchers' shambles there and also the stallage and tolls of the market and fairs with the perquisites of the courts in Liverpool aforesaid, and also the customs and anchorage or keyltoll of the water of the Mersey within the lordship of Liverpool aforesaid, and one windmill called Acres Mill, and another windmill called Wavertree Mill within the lordship of West Derby, parcel of the aforesaid Duchy in the County of Lancaster aforesaid; to have and to hold the aforesaid town and lordship and the rest of the premisses with the appurtenances to the aforesaid William and Richard and their assigns from the feast of St. Michael the Archangel last past before the date of these presents unto the end of the term of twenty one years then next following and fully to be complete; paying therefor etc. that is to say for the farm of the aforesaid town and lordship and also for the aforesaid boat with the passage over the water of the Mersey with the butchers' shambles, and for the farm of the stalls and tolls of the market and fairs with the perquisites of the courts of Liverpool aforesaid, and also for the farm of the customs and anchorage or keyltoll of the water of the Mersey within the lordship of Liverpool aforesaid £14 for the ancient farm, and 6^s 8^d more for the ancient last increase by the year: and for the farm of the mill called Acres Mill aforesaid 20^s and for the farm of the mill called Wavertree Mill 20^s sterling as it is answered to the lord the King at the feasts of Easter and St. Michael the Archangel by equal portions. And the same farmers and their assigns shall during the aforesaid term repair, sustain and maintain all and every the premisses at their own proper costs and charges in all repairs which belong therein to the lord the King and his heirs; and at the end of the same term they shall leave them all well and sufficiently repaired and sustained in all respects. And if it happen etc. for forty days etc. In witness whereof etc. Given at London on the twenty fourth day of November in the thirty seventh year of the reign of King Henry the Eighth.

45. SIR WILLIAM MOLYNEUX'S FEE FARM LEASE TO EDMUND GEE.

14 July, 1546.

The original, which is in the Crosteth Muniment Room [Liverpool, Box 10, R 2, No. 9], is written on one sheet of parchment which is slightly discoloured, in a good clear hand. The seal is missing. See *Introduction*, 71.

This indent' of lease made the xiiijth of July in y^e yer of the reign of Henre the eyht by the grace of God kyng of england ffraunce & Ireland defendor of the ffaith and of the churche of england & also of Ireland in erthe sup^{me} hedde the xxxviiijth Betwene s' Will^m molyneux of sefton in the countye of Lancast' knyght And Rychard molyneux squier, son & heir apparant of the

said s' Will^m, on the one p'tye And Edm^{nde} Gee of Chest' w'in the countye of chester marchand on the other p'tye Witnesseth that the said s' Will^m and Rychard for y^e sume of ffoure pounds payd to hym the said s' Will^m by the said Edm^{nde} the daye of the maykyng hereof hath graunted demysed sett & to fferme lettyn And by these p'sents grauntith demysith settyth & to fferme lettith unto y^e said Edm^{nde} Gee the moyte or half of the towne and lordshipp of lyu'pole W^t thapp'ten^{ancs} And also y^e moyte or half of the yerly p'fetts of all & eu'e the p'fetts of the flesshamells stallage & tolle of the market of lyu'pole aforesaid And also the moyte or half of the yerly p'fetts of the Custome & Ancorage or keyll tolle of the Water of Merse Wⁱⁿ the lordship beforesaid To haue & to hold the moyte or half of y^e yerly p'fetts of the said towne & Lordshipp And the moyte or half of the yerly p'fetts of all & eu'e other the p'miss W^t thair app'ten^{ancs} to y^e sayd Edm^{nde} Gee & his assign' from y^e feast & daye of the assupcion of o^r blessed lady the virgyn next to Come aft' the dat hereof vnto y^e ende & t'me of eyht yers then next folowyng fully to be complete fini'e & endyt in as Ample maner & forme as the said s' Will^m hath the p'missz of the graunte & demyse of o^r said sou' and lord the kyng The said Edm^{nde} & his assign' payng therfore yerly to y^e said s' Will^m his executors or assign' eyht pounds st'lyng That is to saye at y^e feast of saynt Mychaell tharchangell next to come aft' the date hereof l^j^s viij^d; and at the feast of the An'unciacon of o^r blessed lady the virgyn, l^j^s viij^d; And at the feast of Pentecost then next folowyng, l^{vj}^s viij^d, And so furthe yerly at eu'e of the said feasts Duringe the said eght yers Also the said Edm^{nde} Gee for hym his executors & assign' couenn'tith & grauntith to & Wth the said s' Will^m by these p'sents y^t he the said Edm^{nde} & his assignez yerly duryng the said t'me shall Discharge acquyte save & kepe harmeles the said s' Will^m & Ryc' thair heirs executors & assignez of the one half of all y^e costs & chargez y^t shall belonge yerly hereaft' to be made in any Wise of in or for the p'missz or any p'cell y'of agaynst o^r Sou' and lord the kyng & all other p'son & p'sons And so yerly discharged to leave the same aswell in the rep'acons of the flesshamells as all other thyng and thynges in any Wise app'teyning to y^e p'missz or any p'cell or p't therof at the ende of the said t'me And also the said Edm^{nde} Gee, for hym his executors & assign' couenn'tith & grauntith to & W^t the said s' Will^m by these p'sents y^t he the said Edm^{nde} shall not at any tyme or tymes hereaft' duryng the said t'me make any assign or assignez to occupye the p'missz or any p'cell y'of W^{out} the assent & consent of the said s' Will^m ner shall not do ner p'cure to be done any acte or acts thyng or thynges that shalbe in any Wise agaynes the lybertes of the said towne of lyu'pole ner vexe ner trobull any of the burgesez of the same oy'wise then heretofore hath bene vsed or accustomed W^{out} ffraude or collusion And furthermore the said Edm^{nde} for hym his executors & assign' couenn'tith & grauntith to & W^t the said s' Will^m by these p'sents that he the said Edm^{nde} & his factors & su^{ants} at all tyme & tymes hereaft' When so eu' the said Edm^{nde} or his assign' shall brynge or cause to be brought into y^e port & towne of lyu'pole any maner of Marchandes Wynes or Warys That then the said Edm^{nde} & his assign' to lett y^e said s' Will^m & his assignez to haue the p'ferment & bargan from tyme to tyme of the same or of so muche p't or p'cell y'of as hit shall please the said

s' Willm & his assign' by suche reasonabull p'se & for suche reasonabull sume & sumez of money as the said s' Will'm or his assign' And the said Edm'nde or his assign reasonably can agree And for y^e sure & true p'formans of all & eu'e the couen'nts graun'ts artyclez & agrements couen'nted graunted & agreed con-teyned & specefyed in those Indent' on the behalf of a'y of the said p'tyes thair heirs executors et assign' Well & truly to be p'formed obserued and keped, The said p'tyes graunts to be bounden ay' p'tye to the other by thair escript obligator' berrying dat the Daye of the Dat of these p'sents in the sume of one hundreth pound. st'lyng In Witnes Wherof the p'ts aforesaid to these indent's int'-changeably haue putto thair sealls & subscribet thair names The daye & yer aboue said

p' me
EDMUND GEE.

46. EDWARD VI'S FEE FARM LEASE TO JAMES BEDYLL.

16 Dec., 1549

[Duchy of Lanc. Misc., Vol. 32 ; Book of Enrolment of Leases, Ed. VI, and Ph. and Mary, fol. 96 (b)].

This lease does not seem to have ever been put into effect, and it is noticeable that the word "*vacat*" is written against the enrolment. It is clear that the fee farm was never out of the hands of the Molyneux family, not only from the wording of the grant to Sir Richard Molyneux by Philip and Mary in 1555, especially from the significant phrase *se tenuit intus per ius accrescendi*, but also from the following receipt, the original of which is in the Croxteth Muniment [Liverpool : Box 10 : R. 2, No. 10]. Rec' the fyrste day of october anno sexto Regni Regis Edwardi sexti of Rycharde Molyneux esquier by the hands of Henry Terleton sevyen pounds thre shelyngs iiij^d of usuall money of England dew to the Kings maiestie at Michelmes last for the halffe yerrs Rentts of Leu'pole in wyttenes whereof to this byll I have subscribed my name the day & yerre afforewrytten.

per Johannem Braddyll deputatum Thome Holcroft militis.

The same fact is also obvious from the Minister's Accounts for the years 1550-1555, for during this period Richard Molyneux pays each year £14 6s. 8d.¹

Villa et Dominium, de Lytherpole. Vacatus.	}	Rex ad firmam dimisit Jacobo Bedyll, Testatur quod cum dominus Henricus nuper Rex Anglie octauus Recollende memorie defunctus pater dicti domini
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Regis nunc, per quandam Indenturam sigillo ducatus sui Lancastrie sigillatam gerentem datum Londonijs uicesimo die ffebruarij Anno regni regis Henrici octauu uicesimo octauo, Concesserit tradiderit et ad firmam dimiserit cuidam Thome Holcroft militi per nomen Thome Holcroft armigeri uillam et Dominium de Lytherpole cum pertinentijs in comitatu Lancastrie, Necnon unam Batellam et passagium ultra aquam de Mercye, ac shamellas Carnificum ibidem, Acetiam stallagium et tolmeta fori et Nundini ibidem cum perquisitis curiarum de Lytherpole predicto, Necnon custumas et Ancoragium siue keiltole aque de Mercy infra dominium de Lytherpole predicto, Ac unum Molendinum uentriticum

1. On the Bedyll Lease, see *Introduction*, 71 n. 8.

uocatum Acresmyll, et alterum Molendinum uentriticum uocatum Wauertremyll infra dominium de Westderby, parcellam Ducatus Lancastrie in Comitatu dicto Lancastrie; Habendum et tenendum uillam et dominium predicta et cetera premissa cum pertinentijs prefato Thome Holcrofte et assignatis suis a festo sancti Michaelis archangeli tunc ultime preterito ante datum Indenture predictae usque ad finem Termini annorum extunc etc.; Reddendo inde extunc annuatim prefato nuper domino Regi et heredibus suis, uidelicet pro firma uille et dominijs predictorum, Necnon pro batella predicta et passagiu [sic] ultra aquam de Mercye cum Shamellis Carnificum, Ac pro firma stallagij et tolnetorum fori et nundini cum perquisitis Curiarum de Lytherpole predicto, necnon pro firma customarum et Ancoragij siue keyltolle aque de Mercye infra dominium de Lytherpole predicto, quatuordecem libras de antiqua firma et sex solidos et octo denarios ultra de ultimo incremento per annum, ac pro firma molendini uocati Acresmyll predicti uiginti solidos, Ac pro firma Molendini uocati Wauertremyll uiginti solidos sterlingorum, prout dicto nuper domino Regi responsum fuit Ad festa Pasche et sancti Michaelis archangeli equis porcionibus. Et quod idem firmarij et assignati sui repararent sustentarent et manutenerent omnia et singula premissa sumptibus suis proprijs et expensis in omnibus reparacionibus que ad dictum nuper Dominum Regem et heredes suos in eisdem pertinent durante termino predicto, et ea omnia in fine eiusdem Termini bene et sufficienter raparata et sustentata in omnibus dimitterent. Cum Clausula in predicta Indentura specificata, quod si contingeret dictam annuam firmam aretro fore in parte uel in toto per quadraginta dies proxime post aliquem terminum solucionis inde quo solui deberet non solutam, Quod extunc bene liceret prefato nuper domino Regi et Heredibus suis in firmam predictam reintrare et illam in manus suas reassumere ac in pristino statu possidere, predictis indenturis in aliquo non obstantibus. Cum prouisione quod si aliquis alius absque fraude uel malo ingenio infra Terminum predictum pro firma predicta plus dare uoluit, Quod extunc predictus firmarius tantum pro eadem soluere teneretur, si illam habere uoluerit. Cumque alia prouisione quod si prefatus firmarius obierit infra Terminum predictum, quod extunc predicta Indentura Immediate post mortem ipsius firmarij foret uacua et nullius uigoris, predictis Indenturis in aliquo non obstantibus, prout in eisdem Indenturis plenius continetur. Jamque prefatus dominus Rex nunc per aduisamentum et assensum Consilij sui ducatus sui Lancastrie predictae concessit tradidit et ad firmam dimisit prefato Jacobo Bedill predicta uilla et Dominium de Lytherpole cum pertinentijs in dicto Comitatu Lancastrie, Necnon predictam unam Batellam et passagium ultra aquam de Mercie predicto, Ac Shamellas Carnificum ibidem, Ac etiam predicta Stallagium et Tolnetum fori et nundini cum perquisitis Curiarum de Lytherpole predicto, Necnon Customas et ancoragium siue keyltolle aque de Mercie infra Dominium de Lytherpole predicta, ac predictum unum Molendinum uentriticum uocatum Acresmyll et alterum Molendinum uentriticum uocatum Wauertremyll infra predictum Dominium de Westderbie, parcellam Ducatus Lancastrie in dicto Comitatu Lancastrie; Habendum et tenendum uillam et Dominium predicta et cetera premissa cum pertinentijs prefato Jacobo Bedyll et assignatis suis pro termino Triginta unius Annorum plenarie complendorum,

Incipiendorum Immediate et quamcito supradictus Terminus annorum quem prefatus Thomas Holcrofte miles siue assignati sui habent in forma predicta est expiratus siue determinatus ; seu quamcito firma predicta sic ut prefertur prefato Thome dimissa per forisfacturam pro nobis solucione reddenda predicta uel per sursumreddicionem siue aliquo alio modo quocunque ad manus dicti domini Regis nunc deuenire contigerit : Reddendo inde extunc annuatim prefato domino Regi nunc et Heredibus suis Videlicet pro firma uille et Dominij predictorum, necnon pro Batella predicta cum passagio ultra aquam de Mercye cum Shamellis Carnificum, Ac pro firma stallagij et Tolnetorum fori et Nundini cum perquisitis Curiarum de Lytherpole predicto, Necnon pro firma Custumi [*sic*] et anchoragij siue keyltol aque de Mercie infra Dominium de Lytherpole predicta quatuordecim libras de antiqua firma, et sex solidos et octo denarios ultra de ultimo incremento per annum, ac pro firma Molendini uocati Acresmyll predicti uiginti solidos, Ac pro firma Molendini uocati Wauertre mill predicti uiginti solidos legalis monete Anglie ad festa Pasche et sancti Michaelis Archangeli equis porcionibus antiquitus soluendos. Et prefatus Jacobus Bedill et assignati sui reparabunt sustentabunt et manutenebunt omnia et singula premissa sumptibus suis proprijs et expensis in omnibus reparacionibus que ad dictum Dominum Regem et Heredes suos in eisdem pertinent durante termino predicto. Et ea omnia in fine eiusdem Termini bene et sufficienter reparata et sustentata in omnibus dimittent. Et si contingat etc per quadraginta dies etc. In Cuius Rei etc Datum apud Westmonasterium decimo sexto die Decembris Anno Regni Regis Edwardi vj^{to} Tercio.

per Consilium Ducatus predicti.

The King has let to farm to James Bedyll. Witness That whereas our lord Henry the Eighth late King of England deceased of blessed memory, father of our said lord the present King, by an indenture sealed with the seal of his Duchy of Lancaster bearing date at London the twentieth day of February in the twenty-eighth year of the reign of King Henry the Eighth has granted, delivered and let to farm to one Thomas Holcroft Knight, by the name of Thomas Holcroft Esq., the town and lordship of Liverpool with its appurtenances in the County of Lancaster, and also a boat and the passage over the water of the Mersey, and the butchers' shambles there, and also the stallage and toll of the market and fairs there with the perquisites of the courts of Liverpool aforesaid ; and also the customs and anchorage or keytoll of the water of the Mersey within the lordship of Liverpool aforesaid ; And the one windmill called Acres Mill, and the other windmill called Wavertree Mill within the lordship of West Derby, parcel of the Duchy of Lancaster in the said County of Lancaster ; To have and to hold the aforesaid town and lordship and other the premisses with the appurtenances to the aforesaid Thomas Holcroft and his assigns from the feast of St. Michael the Archangel then last past before the date of the aforesaid indentures unto the end of the term of twenty years then etc., paying therefor thence yearly to the aforesaid late lord the King and his heirs that is to say for the farm of the aforesaid town and lordship, and also for the aforesaid boat and the passage over the water of the Mersey with the butchers' shambles, and for the farm of the stallage and tolls of the market and fairs with the perquisites of the courts of Liverpool aforesaid, and also for the farm of the customs and anchorage or keytoll of the water of the Mersey within the lordship of Liverpool aforesaid £14 for the ancient farm, and 6^s 8^d more for the last increase by the year ; and for the farm of the mill called Acres Mill aforesaid 20^s,

and for the farm of the mill called Wavertree Mill 20^s sterling, as it was answered to the said late lord the king, at the feasts of Easter and St. Michael the Archangel by equal portions. And that the same farmers and their assigns should repair, sustain and maintain during the aforesaid term all and singular the premises at their own costs and charges in all repairs which belong therein to the said late lord the King and his heirs; and at the end of the same term should leave them all well and sufficiently repaired and sustained in all respects; with a clause specified in the aforesaid indenture that if it should happen that the said annual farm be in arrear and not paid in part or in whole for forty days after any term of payment whereon it ought to be paid, that then it should be lawful for the aforesaid our lord the King and his heirs to enter again into the aforesaid farm and to take it again into his own hands and to possess it as in its former state, the aforesaid indentures in anything notwithstanding. With the provision that if anyone else without fraud or evil intent is willing to give within the aforesaid term more for the aforesaid farm, that then the said farmer should be bound to pay as much for the same if he wished to have it. And with another provision that if the aforesaid farmer should die within the aforesaid term, that then the aforesaid indenture should be void and of none effect immediately after the death of the same farmer, the aforesaid indentures in anything notwithstanding, as it is more fully contained in the same indentures. And now the aforesaid our present lord the King by the advice and assent of his Council of his Duchy of Lancaster aforesaid has granted, delivered and let to farm to the aforesaid James Bedyll the aforesaid town and lordship of Liverpool with its appurtenances in the said County of Lancaster, and also the aforesaid boat and the passage over the water of the Mersey aforesaid, and the butchers' shambles there, and also the aforesaid stallage and tolls of the market and fairs with the perquisites of the courts of Liverpool aforesaid, and also the customs and anchorage or keytoll of the water of the Mersey within the lordship of Liverpool aforesaid, and the one windmill aforesaid called Acres Mill and the other windmill called Wavertree Mill within the aforesaid lordship of West Derby, parcel of the Duchy of Lancaster in the said County of Lancaster; to have and to hold the aforesaid town and lordship and the other premises with the appurtenances to the aforesaid James Bedyll and his assigns for the term of thirty one years to be fully completed, to be begun immediately and as soon as the abovesaid term of years, for which the aforesaid Thomas Holcroft, knight, or his assigns hold it in the aforesaid form, is ended and determined; or as soon as the aforesaid farm thus leased as is aforesaid to the aforesaid Thomas happen to come into the hands of the said lord the present King by forfeiture for the aforesaid payment to be paid to us, or by surrender, or by any other means whatever; paying therefor thence yearly to the aforesaid lord the present King and his heirs, namely for the farm of the aforesaid town and lordship, also for the aforesaid boat with the passage over the water of the Mersey, together with the butchers' shambles, and for the farm of the stallage and tolls of the market and fair there, together with the perquisites of the courts of Liverpool aforesaid, also for the farm of the customs and anchorage or keytoll of the water of the Mersey within the lordship of Liverpool aforesaid £14 for the old farm and 6-8^d more for the last yearly increase, and for the farm of the mill called Acres Mill aforesaid 20^s and for the farm of the mill called Wavertree Mill aforesaid 20^s of legal money of England, to be paid at the feasts of Easter and of St. Michael the Archangel by equal portion as in old days. And the aforesaid James Bedyll and his assigns shall during the aforesaid term repair, sustain and maintain all and singular the premises at their own proper costs and charges in all repairs which belong therein to the said lord the King and his heirs, and at the end of the same term they shall leave them all well and sufficiently repaired and sustained in all respects. And if it happen etc. for forty days etc. In witness whereof etc. Given at Westminster on the sixteenth day of September, in the third year of the reign of King Edward VI.

By the Council of the aforesaid Duchy.

47. PHILIP AND MARY'S FEE FARM LEASE TO
SIR RICHARD MOLYNEUX.

21 March, 1555

[Duchy of Lanc. Misc., Vol. 32; Book of Enrolment of Leases, Ed. VI and Ph. and Mary, fol. 175.]

Lancastria. Dominium
de Litherpole ba-
tella et passagium
ultra aquam et
shamelle Carnifi-
cum tolmeta per-
quisitis Curiarum
ancoragium et duo
molendina

REX ET REGINA ad firmam demiserunt Ricardo Molyneux militi et Willielmo Molyneux filio predicti Ricardi armigero, Testatur quod cum precharissimus dominus Henricus nuper Rex Anglie octauus recolendissime memorie defunctus pater dicte domine Regine nunc per quandam aliam Indenturam sigillo Ducatus sui Lancastrie sigillatam gerentem Datum apud Londonias uicesimo quarto die Nouembris Anno Regni sui Tricesimo septimo concesserit tradiderit et ad firmam dimiserit cuidam

Willielmo Molyneux militi iam defuncti [*sic*] et prefato Ricardo Molineux tunc per nomen Ricardi Molineux armigeri uillam et dominium de Litherpole cum pertinentijs in Comitatu Lancastrie, necnon unam batellam et passagium ultra aquam de Marcy, Ac Shamellas Carnificum ibidem, Acetiam stallagium et tolmetum fori et Nundinarum cum perquisitis Curiarum in Litherpole predicto, Necnon custumas et ancoragium siue Keiltolle aque de Marcy infra dominium de Litherpole predicto, Ac unum Molendinum uentriticum uocatum Acresmille, et alterum Molendinum uentriticum uocatum Wauertremille infra dominium de Wtestderbye parcellam Ducatus predicti in Comitatu Lancastrie predicto; Habendum et tenendum uillam et Dominium predicta et cetera premissa cum pertinentijs prefato Willielmo Molineux militi et Ricardo Molineux et assignatis suis a festo sancti Michaelis Archangeli extunc ultime preterito ante datum Indenturarum predictarum usque ad finem termini uiginti unius Annorum extunc proxime sequentium et plenarie complendorum; Reddendo inde extunc Annuatim prefato nuper domino Regi Heredibus et successoribus suis uidelicet pro predicta firma uille et dominijs predicti, Necnon pro predicta batella cum passagio ultra aquam de Marcy cum Shamellis carnificum, Ac pro predicta firma Stallagij et tolmeti fori et Nundinarum cum perquisitis curiarum de Litherpole predicto, Necnon pro predicta firma Custumarum et Ancoragij siue keiltolle aque de Marcy infra dominium de Litherpole predicto quatuordecim libras de antiqua firma, et sex solidos et octo denarios ultra de antiquo ultimo incremento per Annum, ac pro predicta firma molendini uocati Acresmille predicti uiginti solidos, et pro predicta firma predicti molendini uocati Wauertre mille uiginti solidos legalis monete Anglie, prout dicto nuper domino regi responsum erat ad festa Pasche et sancti Michaelis archangeli equis porcionibus, Et ulterius faciendo prout in eisdem Indenturis plenius continetur; uirtute cuius predictus Willielmus Molineux miles et Ricardus Molineux intrauerunt in predicta uillam et dominium de Litherpole predicto, ac in omnia et singula alia premissa supradicta cum suis pertinentijs, Et fuerunt inde possessionati. Et sic inde possessionatus predictus Willielmus Molineux miles obiit, et prefatus Ricardus Molineux eum superuixit et se tenuit intus per ius accrescendis. Et

iam predictus Ricardus est de omnibus et singulis premissis superius specificatis solus possessionatus; Et predictus Ricardus sic inde solus possessionatus iam in uoluntate existit predictam Indenturam sic sibi et prefato Willielmo Molineux militi de premissis ut premittitur factam in manus dicti domini regis et domine regine nunc restituere cancellandam, et eandem Indenturam coram Cancellario et consilio ducatus Lancastrie predictae in Camera eiusdem Ducatus apud Westmonasterium sursum reddidit cancellandam; Et ibidem iam cancellata existit, ea intencione quod prefatus dominus rex et domina Regina predicta uillam et dominium de Litherpole cum pertinentijs in Comitatu predicto ac omnia et singula cetera premissa in predicta Indentura superius specificata pro termino Annorum prefato Ricardo Molineux et Willielmo Molineux filio suo per aliam Indenturam sub sigillo ducatus sui Lancastrie predicti graciose concedere dignarentur: Super quo ijdem dominus rex et domina regina per aduisamentum et assensum consilij sui ducatus sui Lancastrie predicti concesserunt tradiderunt et ad firmam dimiserunt prefato Ricardo Molineux et Willielmo Molineux filio predicti Ricardi predicta uillam et dominium de Litherpole cum pertinentijs in Comitatu predicto, Necnon unam batellam et passagium ultra aquam de Mercy, ac predictas Shamellas carnificum in dicta uilla de Litherpole, Acetiam predicta stallagium et tolnetum fori et nundinarum cum predictis perquisitis curiarum in Litherpole predicto, Necnon Custumas et ancoragium siue Keiltolle predictae aque de Mercy ac infra predictam uillam siue dominium de Litherpole predicto, ac predictum unum molendinum uentriticum uocatum Acresmille et predictum alterum Molendinum uentriticum uocatum Wauertremille infra Manerium siue dominium de Westderbye predicta, parcellam ducatus predicti in dicto Comitatu Lancastrie: Habendum et tenendum predicta uillam et dominium ac cetera premissa cum pertinentijs prefato Ricardo et Willielmo Molineux filio predicti Ricardi et assignatis suis a festo Pasche proxime futuro post datum presentium usque ad¹ finem termini quadraginta unius Annorum extunc proxime sequentium et plenarie complendorum; Reddendo inde extunc Annuatim prefato domino Regi et domine Regine Heredibus et Successoribus dicte domine Regine uidelicet pro predicta uilla et dominio predicto necnon pro predicta batella cum predicto passagio ultra predictam aquam de Mercye cum predictis shamellis carnificum ac pro predicta firma Stallagij et tolneti fori et nundinarum cum predictis perquisitis curiarum de Litherpole predicto, necnon pro predicta firma customarum et Ancoragij siue Keiltolle predictae aque de Mercy infra predictum dominium de Litherpole quatuordecim libras de antiqua firma, et sex solidos et octo denarios ultra de antiquo ultimo incremento per Annum, Ac pro predicto Molendino uocato Acresmille uiginti solidos, ac pro predicto molendino uocato Wauertremille uiginti solidos legalis Monete Anglie, prout domino regi et domine Regine nunc responsum est ad festa² equis porcionibus. Et ijdem firmarij et assignati sui reparabunt sustentabunt et manutenebunt omnia et singula premissa sumptibus suis proprijs et expensis

1. From a festo to usque ad and the one word *quadraginta* are written in another hand.
 2. A blank here in original.

in omnibus reparacionibus que ad dictum dominum Regem et dominam Reginam et Heredes dicte domine Regine in eisdem pertinent durante termino predicto. Et ea omnia in fine eiusdem termini bene et sufficienter reparata et sustentata in omnibus dimittent.

xxj Martij Annis j^o et 2^o
per Billam sub priuato Signo¹

The King and Queen have let to farm to Richard Molyneux Knight and William Molyneux Esq., son of the aforesaid Richard. Witness that whereas the most dear lord Henry the Eighth, late King of England, deceased of most renowned memory, father of our said lady the present Queen, by another indenture, sealed with the seal of his Duchy of Lancaster, bearing date at London the twenty-fourth day of November in the thirty seventh year of his reign, has granted delivered and let to farm to one William Molyneux Knight now deceased and to the aforesaid Richard Molyneux then by the name of Richard Molyneux Esq. the town and lordship of Liverpool with its appurtenances in the County of Lancaster, and also a boat and the passage over the water of the Mersey, and the butchers' shambles there, and also the stallage and toll of the market and fairs with the perquisites of the courts in Liverpool aforesaid, and also the customs and anchorage or keytoll of the water of the Mersey within the lordship of Liverpool aforesaid and one windmill called Acres Mill and another windmill called Wavertree Mill within the lordship of West Derby, parcel of the aforesaid Duchy in the County of Lancaster aforesaid: To have and to hold the aforesaid town and lordship and the other premises with the appurtenances to the aforesaid William Molyneux Knight and Richard Molyneux and their assigns from the feast of St. Michael the Archangel then last past before the date of the aforesaid indentures unto the end of the term of twenty one years then next following and fully to be complete; paying therefor thence yearly to the aforesaid late lord the King, his heirs and successors, that is to say; for the aforesaid farm of the aforesaid town and lordship, and also for the aforesaid boat with the passage over the water of the Mersey with the butchers' shambles and for the aforesaid farm of the stallage and toll of the market and fairs with the perquisites of the courts of Liverpool aforesaid, and also for the aforesaid farm of the customs and anchorage or keytoll of the water of the Mersey within the lordship of Liverpool aforesaid £14 for the ancient farm and 6^s 8^d more for the last ancient increase by the year; and for the aforesaid farm of the mill called Acres Mill aforesaid 20^s, and for the aforesaid farm of the aforesaid mill called Wavertree Mill 20^s of legal money of England, as it was answered to the said late lord the King, at the feasts of Easter and St. Michael the Archangel by equal portions; and further to do as in the same indentures is more fully contained. By virtue whereof the aforesaid William Molyneux Knight and Richard Molyneux have entered into the aforesaid town and lordship of Liverpool aforesaid and into all and singular the other aforesaid premises with their appurtenances, and they were thereof possessed. And so thereof possessed the aforesaid William Molyneux Knight died, and the aforesaid Richard Molyneux survived him and maintained himself therein by right of accruer, and now the aforesaid Richard is alone possessed of all and singular the premises above specified. And the aforesaid Richard so thereof alone possessed is now desirous of restoring the aforesaid indenture thus made to him and to the aforesaid William Molyneux Knight of the premises as is aforesaid into the hands of the said lord the King and of the said present Queen to be cancelled, and surrendered the same indenture before the Chancellor and Council of the Duchy of Lancaster aforesaid in the Chamber

1. Written in another hand.

of the same Dnchy at Westminster to be cancelled, and it is now there cancelled ; to the intent that the aforesaid the lord the King and lady the Queen would graciously deign to grant the aforesaid town and lordship of Liverpool with the appurtenances in the aforesaid County and all and singular other the premisses above specified in the aforesaid indenture for a term of years to the aforesaid Richard Molineux and William Molineux his son by another indenture under the seal of their Duchy of Lancaster aforesaid. Whereupon the same lord the King and lady the Queen by the advise and assent of their Council of their Duchy of Lancaster aforesaid have granted, delivered and let to farm to the aforesaid Richard Molineux and William Molineux, son of the aforesaid Richard, the aforesaid town and lordship of Liverpool with the appurtenances in the aforesaid County, and also the aforesaid boat and the passage over the water of the Mersey and the aforesaid butchers' shambles in the said town of Liverpool, and also the aforesaid stallage and toll of the market and fairs with the aforesaid perquisites of the courts in Liverpool aforesaid ; and also the customs and anchorage or keytoll of the aforesaid water of the Mersey and within the aforesaid town or lordship of Liverpool aforesaid, and the one aforesaid windmill called Acres Mill and the other aforesaid windmill called Wavertree Mill within the manor or lordship of West Derby aforesaid, parcel of the aforesaid Duchy in the said County of Lancaster ; to have and to hold the aforesaid town and lordship and other premisses with the appurtenances to the aforesaid Richard, and William Molineux son of the aforesaid Richard, and their assigns, from the feast of Easter next coming after the date of the presents unto the end of the term of forty one years then next following and fully to be complete ; paying therefor thence yearly to the aforesaid lord the King and lady the Queen and to the heirs and successors of the said lady the Queen, that is to say, for the aforesaid town and lordship, and also for the aforesaid boat with the aforesaid passage over the aforesaid water of the Mersey, with the aforesaid butchers' shambles, and for the aforesaid farm of the stallage and toll of the market and fairs with the aforesaid perquisites of the courts of Liverpool aforesaid, and also for the aforesaid farm of the customs and anchorage or keytoll of the aforesaid water of the Mersey within the aforesaid lordship of Liverpool £14 for the ancient farm and 6^s 8^d more for the last ancient increase by the year ; and for the aforesaid mill called Acres Mill 20^s, and for the aforesaid mill called Wavertree 20^s of legal money of England as it is now answered to the lord the King and the lady the Queen at the feasts of by equal portions. And the same farmers and their assigns shall repair, sustain and maintain during the aforesaid term all and singular the premisses at their own proper costs and charges in all repairs which belong therein to the said lord the King and lady the Queen, and to the heirs of the said lady the Queen ; and at the end of the same term they shall leave them all well and sufficiently repaired in all respects.

The 21st March in the 1st and 2nd years.

By bill under the private seal.

48. SIR RICHARD MOLYNEUX'S FEE FARM LEASE TO THE CORPORATION.

7 Oct., 1557

The original which is in the Croxteth Muniment Room [Liverpool, Box 10, No. 13, R 2], is written in a clear hand on one sheet of parchment. The Common Seal of Liverpool in dark red wax is attached and is in remarkably good preservation.

THIS INDENT^{ure} made the vijth daye of October in the ffourth and ffyft yere of the reigne of philipp and marye by the grace of god kyng & quene of England Spayne ffraun^{ce} bothe Sycill Jerusalem and Ireland defend^{er} of the ffaith archiduk^s of Austria duk^s of burgund myllayne & brabant cou^{nts} of haspurge flaund^{er}

& Tyroll Betwene S^r Richard molyneux knyght & Will^m molyneux Son and heir of the said S^r Ryc['] of thone p[']tye And John more mayr of the towne of lyu[']pole in the said countye of lancast['] & the burgessez of y['] same towne of y['] other p[']tye Witnessith y['] the said S^r Rychard & Will^m molyneux Son of the said S^r Ryc['] as well at y['] specyall Instans mocyon & request of the right honorable henry lord Straunge and John Caryll squier attorney of the kyng & quenez most Honorable court of thair said Duchie of lanc['] as also ffor dyu[']s other good considerac[']ons & causes theym the said S^r Ryc['] et Will^m molyneux his Son movyng haue demysed sett & to ffarme lett, and by these p[']sents do demyse sett & to ffarme lett to the said mair and bourgessez of y['] said towne & borrowe of lyu[']pole the fferme of the said towne and borrowe w[']all and sing[']ler yssues p[']ffetts & comodyts Arysing comyng & groyng w[']in the said towne or borrowe Which they the said S^r Ric['] and Will^m or a[']y of theym haue or oght to haue by reason of a lease & Demyse therof vnto theym made vnd['] the Seall of the Duchie of lanc['] Excepted and alwayez fforp[']sed and reseruyd all the mylnes standyng & beyng in the said towne or borrowe or y['] libertyes of y['] same To haue hold occupye vse and Injeye the said ffarme & all od['] the p[']missz (except before excepted) to the said maire and burgessez and thair assignez ffrom the daye of y['] dat of these p[']sents vnto th[']ende & terme and during all y['] terme of one yere ffully to be complete & endyt And ffrom thensforth ffrom yer to yer at the Wyll & pleasure of bothe the said p[']tyes Yeldyng and payng therfore yerly to the said S^r Ric['] and Will^m their execut['] & assignez, the Some of xj^h xvj^h viij^d of vsuall money of englond at the feasts of thannuncyacion of o['] blessed lady the virgen & saynte mychaell th[']archangell by evyn porc[']ons And the said John more maire of lyu[']pole & the burgessez of the saide towne of lyu[']pole doth coven[']nt & graunt to & w[']th y['] said S^r Rychard molyneux & Will^m molyneux by these p[']nts y['] they the said maire & burgessz of y['] said towne of lyu[']pole & all od['] suche p[']son & p[']sons as shall occupye or vse y['] ffarme of y['] said towne & borowe shall & Wyll Discharge save & kepe harmelesse y['] said S^r Ryc['] molyneux & Will^m molyneux & ay of theym their heirs ex['] & administrators & eu[']e of theym agaynst o['] sou[']aign lord & lady y['] kyng & quenez highnes y['] now are and the heirs & successors of o['] said sou[']aign lady y['] quene ffor & conc[']ning y['] said ffarme of the said towne & borrowe & all other things Which the said S^r Ryc['] molyneux & Will^m molyneux his Son haue demysed & sett to ffarme to y['] said maire & burgessz of y['] said towne duryng all suche tyme as they the said mair & burgessz or their assignez shall haue hold or occupye y['] said ffarme & other y['] p[']missz And the said S^r Richard et Will^m molyneux doth cou[']nte & grau[']nte to & w['] the said Maire & burgessez by these p[']nts y['] if the said maire & burgessez Well & truly obs[']ue fulfill p[']forme & kepe all and sing[']ler the cou[']nts grau[']nts artycles & agreaments by the said mair & burgessez couen[']ted & graunted conteyned & specefyed in these indent['] That then one sengle obligacon barring dat w['] these p[']sents Wherin the said maire & burgessez stond bounden vnto the said s['] Ryc['] & Will^m molyneux in the Summe of cc['] s[']tyng shalbe voyde & of none effect & els hit to stond in ffull strenght & vertue IN WYTNESSE Wherof y['] p[']tyez aforesaid to these p[']nts int[']changeably haue sett thair Sealls geuen the daye & yers fyrst above Wrytten.

John More Thom[']s More
Roger Walker

p['] me Robtt Cor
-bett s[']ll

49. ELIZABETH'S FEE FARM LEASE TO SIR RICHARD MOLYNEUX.

18 Oct., 1586

The original which is in the Muniment Room at Croxteth Hall [Liverpool, Box 10, R 2, No. 16] is written on one sheet of parchment in a good clear hand. There are two seals attached, one in brown wax, one in brownish-red wax, both badly broken. The counterpart of this lease is also in the Muniment Room [Box 10, R 2, No. 18], signed *Richard Molyneux*, with his seal, broken, attached. Also attached is a Bond of Sir Richard Molyneux for 100 marks for the fulfilment of the conditions of the lease. There is another copy in the Record Office, Duchy of Lanc. Misc., No. 46, Entry Book of Patents and Leases, 24-29 Elizabeth, fol. 28 (i).

HEC INDENTURA facta inter Excellentissimam Principem et Dominam Dominam Elizabetham dei gratia Anglie francie et Hibernie Reginam fidei Defensorem etc. Ex una parte, Et Ricardum Molyneux militem seruientem dicte domine Regine ac filium Willielmi Molyneux armigeri iam defuncti ex altera parte, TESTATUR quod cum dominus Phillipus et Domina Maria nuper Rex et Regina Anglie per Indenturam suam Sigillo Ducatus sui Lancastrie Sigillatam gerentem datum uicesimo primo die Marcij Annis Regnorum suorum primo et secundo concesserint tradiderint et ad firmam dimiserint quibusdam Ricardo Molyneux Militi iam defuncto et Willielmo Molyneux adtunc filio predicti Ricardi armigero Villam et Dominium de Litherpole cum pertinentijs in Comitatu Lancastrie, Necnon unam batellam et passagium ultra aquam de Mercy ac shamellas carnificum in dicta uilla de Litherpole, Acetiam stallagium et tolmeta fori et Nundinarum cum perquisitis Curiarum in Litherpole predicto, Necnon Custumas et ancoragium de [sic] Keiletolle aque de Mercy ac infra predictam uillam siue Dominium de Litherpole predicto, Ac unum Molendinum uentriticum uocatum Acresmyll et alterum Molendinum uentriticum uocatum Wauertree Mill infra Manerium siue Dominium de West derbie, parcellam ducatus predicti in dicto Comitatu Lancastrie: HABENDVM ET TENENDVM predicta uillam et Dominium ac cetera premissa cum pertinentijs prefato Ricardo Molyneux Militi et Willielmo Molyneux filio predicti Ricardi et assignatis suis a festo Annunciacionis beate Marie uirginis tunc proxime futuro post datum dicte recitate Indenture usque ad finem termini Qudraginta et unius annorum extunc proxime sequentium et plenarie Complendorum; REDDENDO inde extunc annuatim prefatis Domino Regi et Domine Regine Heredibus et successoribus dicte Domine Regine, uidelicet pro predicta uilla et Dominio predicto, Necnon pro predicta batella cum predicto passagio ultra predictam aquam de Mercy cum predictis shamellis carnificum ac pro predicta firma stallagij et tolmetorum fori et nundinarum cum predictis perquisitis Curiarum de Litherpole predicto, Necnon pro predictis Custumis et ancoragio ac Keiletolle predicte aque de Mercy infra predictum Dominium de Litherpoole¹ quatuordecim libras de antiqua firma et sex solidos et octo denarios tunc ultra de antiquo ultimo incremento per annum, Ac pro predicto Molendino uocato Acresmyll uiginti solidos, Ac pro predicto Molendino uocato Wauertree Mill uiginti solidos Legalis monete Anglie, prout dicto Domino Regi et Domine Regine tunc responsum fuit ad festa Pasche et sancti Michaelis archangeli equis porcionibus, Et ulterius faciendo prout in eadem Indentura plenius continetur. Cuiusquidem Ricardi Molyneux Militis et

1. The words from *predicte aque* to '*Litherpoole*' are inserted in the original.

Willielmi Molyneux filij predicti Ricardi uim titulum terminum annorum et interesse de et in premissis prefatus Ricardus Molyneux Miles filius predicti Willielmi Molyneux iam defuncti modo habet, ut prefate domine Regine nunc datum est intelligi, Ac eo pretextu iam de premissis est possessionatus et sic inde possessionatus existens iam in uoluntate existit predictam Indenturam et totum uim titulum terminum annorum et interesse sua de et in premissis in manus dicte domine Regine nunc sursumreddere et restituere et eandem Indenturam et totum uim titulum terminum annorum et interesse sua de et in premissis : Jam uidelicet Termino sancti Michaelis anno Regni dicte domine Regine Elizabethæ uicesimo octauo et uicesimo nono, Idem Ricardus Molyneux miles coram Cancellario et Consilio Ducatus predicti in Camera eiusdem Ducatus apud Westmonasterium eidem domine Regine nunc Sursumreddidit et restituit cancellandam, et ibidem iam Cancellata existit, ea intencione et effectum quod prefata Domina nunc faceret inde beneplacitum et uoluntatem suam, Quamquidem Sursumreddicionem predictam domina Regina nunc acceptauit, et modo acceptat per presentes. SVPER QVO prefata domina Regina nunc pro et in consideratione sursumreddicionis predicti, necnon in consideratione boni ueri et fidelis seruicij per prefatum Ricardum Molyneux militem ante hac impensi et imposterum impendendi dicte domine Regine, per aduisamentum et Consensum Consilij sui Ducatus sui Lancastrie predicti Concessit tradidit et ad firmam dimisit prefato Ricardo Molyneux militi filio predicti Willielmi predicta uillam et Dominium de Litherpole cum pertinentijs in Comitatu predicto, necnon predictam unam batellam et passagium ultra aquam de Mercy predictam, Ac predicta Shamella carnificum in dicta uilla de Litherpole, Acetiam predicta stallagium et tolmeta fori et nundinarum cum predictis perquisitis Curiarum in Litherpole predicto, necnon Custumas et ancoragium ac Keiletolle predicte aque de Mercy ac infra predictam uillam siue Dominium de Litherpole predicto, Ac predictum unum Molendinum uentriticum uocatum Acresmyll, et predictum alterum Molendinum uentriticum uocatum Wauertree Mill infra Manerium siue Dominium predictum de Westderbie predicte, parcellam Ducatus predicti in dicto Comitatu Lancastrie, HABENDVM ET TENENDVM predicta uillam et Dominium ac cetera premissa cum pertinentijs prefato Ricardo Molyneux militi filio predicti Willielmi et assignatis suis a festo sancti Michaelis archangeli ultime preterito ante datum presencium usque ad finem termini Triginta et unius annorum extunc proxime sequentium et plenarie Complendorum ; REDDENDO inde extunc annuatim prefate Domine Regine nunc Heredibus et Successoribus suis uidelicet pro predicta villa et Dominio predicto, necnon pro predicta battella cum predicto passagio ultra predictam aquam de Mercy cum predictis Shamellis carnificum, ac pro predicta firma stallagij tolmetorum fori et nundinarum cum predictis proficuis Curiarum de Litherpole predicto, Necnon pro predictis Custumis Ancoragio ac keiletolle predicte aque de Mercy infra predictum Dominium de Litherpoole quatuordecim l'bras sex solidos et octo denarios, Ac pro predicto Molendino uocato Acresmyll uiginti solidos, Ac pro predicto Molendino uocato Wauertree Mill uiginti solidos Legalis monete Anglie, prout Dicte Domine Regine nunc responsum est ad festa Annunciacionis beate Marie uirginis et sancti Michaelis archangeli equis porcionibus annuatim soluendos Durante

termino predicto. Et prefatus Ricardus Molyneux Miles pro se heredibus executoribus administratoribus et assignatis suis conuenit et concedit ad et cum prefata Domina Regina nunc Heredibus et Successoribus suis per presentes quod ipse executores administratores et assignati sui bene et sufficienter reparabunt sustentabunt edificabunt facient et manutenebunt Molendina predicta et cetera omnia et singula premissa quecunque et quamlibet inde parcellam, necnon omnes et omnimodas reparaciones quascunque et necessaria quecunque de in et super premissa et quamlibet inde parcellam, uel premissa seu aliquam inde parcellam quomodolibet concernentes, tam in molarijs uocatis Millstones, quam aliter, de tempore in tempus sumptibus suis proprijs et expensis, tocians quociens et in omnibus locis ubi necesse aut oportum fuerit durante termino predicto, Et in finem eiusdem termini sic bene et sufficienter reparata sustentata edificata facta et manutenta in omnibus et per omnia dimittent. Et si contingat dictum annualem Redditum Sexdecem librarum sex solidorum et octo denariorum aretro fore in parte uel in toto non solum Receptori particulari premissorum aut eius deputato pro tempore existente per Quadraginta dies proxime post aliquod festum festorum predictorum quo ut prefertur solui debeat, aut hanc Indenturam non irrotulari infra unum annum iam proxime et immediate sequentem coram Auditore premissorum aut eius deputato pro tempore existente, Quod tunc hec presens dimissio et Concessio uacua sit et pro nihilo habeatur in Lege. IN CVIVS REI Testimonium uni parti huius Indenture penes dictum firmarium remanenti prefata Domina Regina nunc tam sigillum suum Comitatus sui Palatini Lancastrie quam Sigillum suum Ducatus sui Lancastrie mandauit Apponi, Alteri uero parti eiusdem Indenture penes dictam Dominam Reginam remanenti prefatus firmarius Sigillum suum Apposuit. DATVM apud Palacium Westmonasterij tam sub Sigillo Comitatus Palatini Lancastrie quam sub sigillo Ducatus Lancastrie predicti uicesimo octauo die Octobris Anno regni dicte domine Regine Elizabethe uicesimo octauo.

Per Consilium Ducatus Lancastrie predictae.

TUSSER.

This indenture made between the most excellent princess and lady, the Lady Elizabeth, by the grace of God Queen of England, France and Ireland, defender of the faith etc., on the one part, and Richard Molyneux Knight, servant of the said lady the Queen and son of William Molyneux Esq. now deceased on the other part; Witness that whereas the lord Philip and the lady Mary, late King and Queen of England, by an indenture sealed with their seal of their Duchy of Lancaster, bearing date the twenty first day of March in the first and second years of their reigns, have granted, delivered and let to farm to one Richard Molyneux Knight now deceased and to William Molyneux Esq. then the son of the aforesaid Richard, the town and lordship of Liverpool with its appurtenances in the County of Lancaster, and also a boat and the passage over the water of the Mersey, and the butchers' shambles in the aforesaid town of Liverpool, and also the stallage and tolls of the market and fairs with the perquisites of the courts in Liverpool aforesaid, and also the customs and anchorage of keytoll of the water of the Mersey and within the aforesaid town or lordship of Liverpool aforesaid, and one windmill called Acres Mill and another windmill called Wavertree Mill within the manor or lordship of West Derby, parcell of the aforesaid Duchy in the said County of Lancaster;

to have and to hold the aforesaid town and lordship and other the premises with the appurtenances to the aforesaid Richard Molyneux Knight and to William Molyneux, son of the aforesaid Richard, and their assigns from the Feast of the Annunciation of the Blessed Virgin Mary then next coming after the date of the said recited indenture unto the end of the term of forty-one years then next following and fully to be complete ; paying therefor thence yearly to the aforesaid lord the King and lady the Queen, and to the heirs and successors of the said lady the Queen that is to say, for the aforesaid town and the aforesaid lordship, and also for the aforesaid boat with the aforesaid passage over the aforesaid water of the Mersey, with the aforesaid butchers' shambles, and for the aforesaid farm of the stallage and tolls of the market and fairs with the aforesaid perquisites of the Courts of Liverpool aforesaid, and also for the aforesaid customs and anchorage and keytoll of the aforesaid water of the Mersey within the aforesaid lordship of Liverpool £14 for the ancient farm and 6^s 8^d then more for the last ancient increase by the year ; and for the aforesaid mill called Acres Mill 20^s, and for the aforesaid mill called Wavertree Mill 20^s of legal money of England, as it was then answered to the said lord the King and lady the Queen at the feasts of Easter and St. Michael the Archangel by equal portions, and moreover doing as in the same indenture is more fully contained. The aforesaid Richard Molyneux, Knight, son of the aforesaid William Molyneux now deceased now has, as the aforesaid lady the Queen is now given to understand, the right, title, term of years and interest of the same Richard Molyneux, Knight, and William Molyneux son of the aforesaid Richard, of and in the premises, and by this force is now possessed of the premises and being so thereof possessed is now desirous of surrendering and giving up the aforesaid indenture and all his right, title, term of years and interest of and in the premises into the hands of the said lady the Queen ; and now, that is to say, in the term of St. Michael, in the twenty eighth and twenty ninth year of the reign of the said lady, the Queen Elizabeth, the same Richard Molyneux, Knight, has now surrendered and given up to be cancelled to the same lady the Queen the same indenture and all his right, title, term of years and interest of and in the premises before the Chancellor and Council of the aforesaid Duchy in the chamber of the same Duchy at Westminster, and it is there now cancelled ; with the intent and effect that the aforesaid lady should now make a grant thereof at her good pleasure and will, and the aforesaid lady the Queen has now accepted and by these presents now accepts the same surrender. Whereupon the aforesaid Queen for and in consideration of the aforesaid surrender and also in consideration of the good, true and faithful service heretofore done and hereafter to be done to the said lady the Queen by the aforesaid Richard Molyneux Knight, by the advice and consent of her Council of her Duchy of Lancaster aforesaid has now granted, delivered and let to farm to the aforesaid Richard Molyneux, Knight, son of the aforesaid William, the aforesaid town and lordship of Liverpool with its appurtenances in the aforesaid County ; And also the aforesaid boat and passage over the water of the Mersey aforesaid and the aforesaid butchers' shambles in the said town of Liverpool ; and also the aforesaid stallage and tolls of the market and fairs with the aforesaid perquisites of the courts in Liverpool aforesaid and also the customs and anchorage and key toll of the aforesaid water of the Mersey and within the aforesaid town or lordship of Liverpool aforesaid, and the one aforesaid windmill called Acres Mill, and the other aforesaid windmill called Wavertree Mill within the aforesaid manor or lordship of West Derby aforesaid, parcel of the aforesaid Duchy in the said County of Lancaster ; To have and to hold the aforesaid town and lordship and other the premises with the appurtenances to the aforesaid Richard Molyneux Knight son of the aforesaid William and his assigns from the feast of St. Michael the Archangel last past before the date of these presents unto the end of the term of thirty-one years then next following and fully to be

complete; paying therefor thence yearly to the aforesaid lady the present Queen, her heirs and successors, that is to say, for the aforesaid town and the aforesaid lordship and also for the aforesaid boat with the aforesaid passage over the aforesaid water of the Mersey, with the aforesaid butchers' shambles, and for the aforesaid farm of the stallage and tolls of the market and fairs with the aforesaid profits of the courts of Liverpool aforesaid, and also for the aforesaid customs, anchorage and keyltoll of the aforesaid water of the Mersey within the aforesaid lordship of Liverpool, £14 6s. 8d.; and for the aforesaid mill called Acres Mill 20^s, and for the aforesaid Mill called Wavertree Mill 20^s of legal money of England, as it was answered to the aforesaid lady the present Queen, at the feasts of the Annunciation of the Blessed Virgin Mary and of St. Michael the Archangel, by equal portions to be paid yearly during the aforesaid term. And the aforesaid Richard Molyneux Knight for himself, his heirs, executors, administrators and assigns, agrees and grants to and with the aforesaid lady the present Queen, her heirs and successors, by these presents that he himself, his executors, administrators and assigns shall well and sufficiently repair, sustain, build, make and maintain the aforesaid mills and all and singular other the premises whatsoever and every parcel thereof; and also all and all manner of repairs whatsoever and wheresoever necessary of in and upon the premises and every parcel thereof, or in any way concerning the premises or any parcel thereof, both stones called mill-stones and otherwise, from time to time during the aforesaid term at their own proper costs and charges as often and in all places where it shall be necessary or obligatory; and at the end of the same term they shall leave them well and sufficiently repaired, sustained, built, made and maintained in all respects. And if it happen that the said annual rent of £16 6s. 8d. be in arrear in part or in whole and not paid to the particular Receiver of the premises, or his deputy for the time being for forty days next after any of the aforesaid feasts on which it ought to be paid, as is aforesaid, or that this indenture be not enrolled within one year now next and immediately following before the Auditor of the premises or his deputy for the time being; that then this present lease and grant shall be void and held null in law. In witness whereof the aforesaid lady the Queen has ordered both her seal of her County Palatine of Lancaster and her seal of her Duchy of Lancaster to be affixed to the one part of this indenture remaining in the hands of the said farmer; but to the other part of the said indenture remaining in the hands of the said lady the Queen, the aforesaid farmer has affixed his seal. Given at the Palace of Westminster both under the seal of the County Palatine of Lancaster, and under the seal of the Duchy of Lancaster aforesaid, on October the eighteenth, in the twenty-eighth year of the reign of the said lady Queen Elizabeth.

By the Council of the Duchy of Lancaster aforesaid.

TUNER.

50. JAMES I'S FEE FARM LEASE TO SIR RICHARD MOLYNEUX.

10 Mar, 1604

The original which is in the Croxteth Muniment Room [Liverpool, R 2, Box 10, No. 17] is written on one sheet of parchment, but the writing is faded and is almost illegible in places. There are two seals attached, the Seal of the County Palatine, and the Seal of the Duchy, both in good preservation. There is another copy in the Record Office, Duchy of Lanc. Misc., No. 49; Entry Book of Leases and Patents, 1-10 James I, fol. 9 (b), and by this I have corrected the original lease. A copy is also to be found in the *Report of the Trial of the Corporation of Liverpool v. Bolton and others*, p. xix.

HEC INDENTURA facta inter excellentissimum Principem et Dominum, Dominum Jacobum dei gratia Anglie Scotie francie et Hibernie Regem fidei Defensorem etc., ex una parte, Et Richardum Molineux militem ex altera parte,

TESTATUR quod cum in quadam Indentura facta inter Elizabetham nuper Regi-
nam Anglie ex una parte et Richardum Molineux militem ex altera parte gerente
datum uicesimo octauo die Octobris anno regni dicte Domine Regine uicesimo
octauo mencionatur quod prefata Domina Regina per eandem Indenturam con-
cessit tradidit et ad firmam dimisit prefato Richardo Molineux uillam et Domi-
nium de Litherpoole cum pertinentijs in Comitatu Lancastrie, Necnon unam
battellam et passagium ultra aquam de Mercy ac shamellas Carnificum in dicta
uilla de Litherpoole, acetiam Stallagium et tolmeta fori et Nundinarum cum
perquisitis Curiarum in Litherpoole predicto, necnon Custumas et anchoragium
de keiltolle aque de Mercy ac infra predictam uillam siue Dominium de Lither-
poole predicto, ac unum Molendinum uentriticum uocatum Acresmill et
alterum molendinum uentriticum uocatum Wauertree mill infra Manerium
siue Dominium de West derbie, parcellam Ducatus Lancastrie predicti in dicto
Comitatu Lancastrie ; Habendum et tenendum predicta uillam et Dominium ac
cetera premissa cum pertinentijs prefato Molineux et assignatis suis a festo sancti
Michaelis Archangeli ultime preterito ante datum dicte Indenture usque ad
finem termini triginta et unius annorum extunc proxime sequentium et
plenarie complendorum ; Reddendo inde extunc annuatim prefate Domine
Regine heredibus et successoribus suis quendam Annualet redditum cum diuersis
alijs conuencionibus prout in dicta Indentura plenius continetur : JAM prefatus
Dominus rex pro et in consideracione boni ueri et acceptabilis seruicij per pre-
fatum Richardum Molineux tam prefate Domine Regine quam predicto Domino
Regi ante hac prestiti, de gratia sua speciali ac ex certa scientia et mero motu suis
concedit tradidit et ad firmam dimisit prefato Richardo Molineux predicta
uillam et Dominium de Litherpoole cum pertinentijs in comitatu predicto
Necnon predictam unam battellam et passagium ultra aquam de Mercy predictam,
ac predictas shamellas carnificum in dicta uilla de Litherpoole, acetiam predicta
Stallagium et tolmeta fori et Nundinarum cum predictis perquisicionibus Curia-
rum in Litherpoole predicto, Necnon Custumas et anchoragium ac keiltolle
predicte aque de Mercy ac infra predictam uillam siue Dominium de Litherpoole
predicto, ac predictum molendinum uentriticum uocatum Acresmill et predictum
alterum molendinum uentriticum uocatum Wauertree mill infra Manerium siue
Dominium predictum de Westderbie predicta, parcellam Ducatus predicti in
dicto Comitatu Lancastrie ; HABENDVM ET TENENDVM predicta uillam et Domi-
nium ac cetera premissa cum pertinentijs prefato Richardo Molineux et assignatis
suis pro termino quadraginta unius annorum INCIPENDORVM immediate et
quamcito predictus terminus annorum prefato Richardo per Indenturam pre-
dictam factus per sursumreddicionem expirationem forisfacturam aut alio
quocunque modo determinatus fuerit : REDDENDO inde extunc annuatim prefato
Domino Regi heredibus et successoribus suis pro predictis uilla et Dominio, nec-
non pro predicta batella cum predicto passagio ultra predictam aquam de Mercy
cum predictis shamellis carnificum, ac pro predicto Stallagio tolmetis fori et
Nundinarum cum predictis proficuis Curiarum de Litherpoole predicto, necnon
pro predictis Custumis anchoragio et keiltolle predictae aque de Mercy infra pre-
dictum Dominium de Litherpoole quatuordecim libras sex solidos et octo
denarios, ac pro predicto molendino uocato Acresmill uiginti solidos ac pro pre-

dicto molendino uocato Wauertree mill uiginti solidos legalis monete Anglie ad festa Annunciacionis beate Marie et sancti Michaelis archangeli equis porcionibus annuatim soluendos durante terminis predictis. Et prefatus Richardus Molineux pro se heredibus executoribus administratoribus et assignatis suis conuenit et concedit ad et cum prefato Domino Regi heredibus et successoribus suis quod ipse executores administratores et assignati sui bene et sufficienter reparabunt sustentabunt edificabunt facient et manutenebunt Molendina predicta ac cetera omnia et singula premissa quecunque et quamlibet inde parcellam, necnon omnes et omnimodas reparaciones quascunque et necessaria quecunque de in et super premissa et quamlibet inde parcellam uel premissa seu aliquam inde parcellam quomodolibet concernentes tam in molarijs uocatis Millstones quam aliter de tempore in tempus sumptibus suis proprijs et expensis, tocies quociens et in omnibus locis ubi necesse aut oportum fuerit faciet uel facient, durante termino predicto, Et in finem eiusdem termini sic bene et sufficienter reparata sustentata edificata facta et manutenta in omnibus et per omnia dimittent. Et si contingat dictum annualem redditum aut aliquam inde parcellam aretro non solutum Receptori particulari premissorum aut Receptori generali Ducatus predicti pro tempore existente aut eius uel alterius eorum deputato per spacium quadraginta dierum proxime post aliquod festum festorum predictorum, quo ut prefertur solui debeat, aut hanc Indenturam non irrotulari infra unum annum iam proxime et immediate sequentem coram Auditorem premissorum pro tempore existente, Quod tunc hec presens dimissio et concessio uacua sit et pro nihilo habeatur in lege. Eo quod expressa mencio de uero ualore annuo aut de certitudine premissorum siue eorum alicuius aut de alijs donis siue concessionibus per dictum Dominum Regem seu per aliquem progenitorum suorum prefato Richardo Molineux ante hec tempora factis in presentibus minime facta existit, aut aliquo statuto actu ordinatione prouisione siue restrictione in contrarium inde ante hac habitis factis editis ordinatis seu prouisis aut aliqua alia re causa uel materia quacunque in aliquo non obstante. IN CVIVS REI Testimonium parti huius Indenture penes dictum ffirmarium remanenti prefatus Dominus Rex sigillum suum tam Comitatus sui Palatini Lancastrie quam sigillum suum Ducatus sui Lancastrie predicti mandauit apponi, Alteri uero parti huius Indenture penes dictum Dominum Regem remanenti prefatus ffirmarius sigillum suum apposuit. Datum apud Pallacium suum Westmonasterij tam sub sigillo dicti comitatus palatini quam sigillo Ducatus Lancastrie predicti decimo die Maij anno regni dicti Domini Regis Jacobi Anglie francie et Hibernie secundo et Scotie Tricesimo septimo.

per billam manu Domini Regis signatam

GERRARD.

This indenture made between the most excellent prince and lord, the lord James by the grace of God, King of England, Scotland, France and Ireland defender of the faith etc. on the one part and Richard Molyneux Knight on the other part. Witness that whereas in an indenture made between Elizabeth, late Queen of England, on the one part and Richard Molyneux, Knight, on the other part, bearing date the twenty-second day of October in the twenty eighth year of the reign of the said lady the Queen, it is mentioned that the aforementioned lady the Queen by the same indenture has granted, delivered and let

to farm to the aforementioned Richard Molyneux the town and lordship of Liverpool with its appurtenances in the County of Lancaster, and also a boat and the passage over the water of the Mersey, and the butchers' shambles in the said town of Liverpool, and also the stallage and tolls of the market and fairs with the perquisites of the courts in Liverpool aforesaid, and also the customs and anchorage of keytoll of the water of the Mersey and within the aforesaid town or lordship of Liverpool aforesaid, and one windmill called Acres Mill, and another windmill called Wavertree Mill within the manor or lordship of West Derby, parcel of the Duchy of Lancaster aforesaid in the said County of Lancaster; to have and to hold the aforesaid town and lordship and other the premises with the appurtenances to the aforementioned Molyneux and his assigns from the feast of St. Michael the Archangel last past before the date of the said indenture unto the end of the term of thirty-one years then next following and fully to be complete; paying therefor thence yearly to the aforementioned lady the Queen, her heirs and successors, an annual rent with divers other covenants as in the said indenture is more fully contained. Now the aforementioned lord the King for and in consideration of the good, true and acceptable service formerly done by the aforementioned Richard Molyneux to the aforementioned lady the Queen and to the aforesaid lord the King, of his own special grace and certain knowledge and mere motion has granted, delivered and let to farm to the aforementioned Richard Molyneux the aforesaid town and lordship of Liverpool with the appurtenances in the County aforesaid, and also the aforesaid boat and the passage over the water of the Mersey aforesaid, and the aforesaid butchers' shambles in the said town of Liverpool, and also the aforesaid stallage and tolls of the market and fairs with the aforesaid perquisites of the courts in Liverpool aforesaid, and also the customs and anchorage and keytoll of the aforesaid water of the Mersey and within the aforesaid town or lordship of Liverpool aforesaid, and the aforesaid windmill called Acres Mill and the other aforesaid windmill called Wavertree Mill within the aforesaid manor or lordship of West Derby aforesaid parcel of the aforesaid Duchy in the said County of Lancaster; to have and to hold the aforesaid town and lordship and other the premises with the appurtenances to the aforementioned Richard Molyneux and his assigns for the term of forty-one years, to begin immediately and as soon as the aforesaid term of years made to the aforementioned Richard by the aforesaid indenture shall be ended by surrender, expiration, forfeiture, or any other means whatsoever; paying therefor thence yearly to the aforementioned lord the King, his heirs and successors for the aforesaid town and lordship, and also for the aforesaid boat with the aforesaid passage over the aforesaid water of the Mersey with the aforesaid butchers' shambles, and for the aforesaid stallage and tolls of the market and fairs with the aforesaid profits of the courts of Liverpool aforesaid, and also for the aforesaid customs, anchorage and keytoll of the aforesaid water of the Mersey within the aforesaid lordship of Liverpool £14 6^s. 8^d.; and for the aforesaid mill called Acres Mill 20^s, and for the aforesaid mill called Wavertree Mill 20^s. of legal money of England at the feasts of the Annunciation of the Blessed Mary and of St. Michael the Archangel by equal portions to be paid yearly during the aforesaid term. And the aforementioned Richard Molyneux for himself, his heirs, executors, administrators and assigns agreed and granted to and with the aforesaid lord the King, his heirs and successors, that he his executors, administrators and assigns shall well and sufficiently repair, sustain, build, make and maintain the aforesaid mills and all and singular other the premises and every parcel thereof: and also shall do all and all manner of repairs whatsoever is necessary of in and about the premises and every part thereof, or in any way concerning the premises or any parcel thereof, both in the stones called Millstones as elsewhere during the aforesaid term from time to time at their own costs and charges, as often as and in all places where it is necessary or obligatory; and at the end of the same term they shall leave them well

and sufficiently repaired, sustained, built, made and maintained in and through all things. And if it happen that the said annual rent or any part thereof be in arrear to the particular Receiver of the premisses or to the Receiver General of the aforesaid Duchy for the time being or to his deputy, by the space of forty days next after any of the aforesaid feasts on which it ought to be paid as is aforesaid, or that this indenture be not enrolled within one year now next and immediately following before the Auditor of the premisses for the time being; that then this present lease and grant shall be void and held null in law. Because express mention of the true yearly value or of the certainty of the premisses or of any parcel thereof, or of other gifts or grants heretofore made by the said lord the King or by any of his progenitors to the aforesaid Richard Molyneux is not made in these presents, or any statute, act, ordinance, provision, or restriction to the contrary therefore heretofore had, made, edited, ordained or provided, or any other thing cause or matter whatsoever in anything notwithstanding. In witness whereof the aforesaid lord the King has ordered both his seal of his County Palatine of Lancaster and his seal of his Duchy of Lancaster aforesaid to be affixed to the part of this indenture remaining in the hands of the said farmer, but to the other part of this indenture remaining in the hands of the said lord the King, the aforesaid farmer has affixed his seal. Given at his Palace of Westminster both under the seal of the said County Palatine and the seal of the Duchy of Lancaster aforesaid, on the tenth day of May in the year of the reign of the said lord the King James, of England, France and Ireland the second, and of Scotland the thirty-seventh.

By bill signed by the hand of the lord King.

GERRARD.

51. SALE BY CHARLES I TO THE CORPORATION OF LONDON (DITCHFIELD, ETC.) OF THE TOWN OF LIVERPOOL.

9 Sept., 1628

The original of the *Inspecimus* which is in the possession of the Corporation, is written on six skins of vellum, all measuring thirty-two inches wide by twenty-eight deep, except the first, which is thirty-one inches deep. On each sheet are two *ss.* stamps. The writing is clear and good. There is no decoration, but red lines are drawn round the margins of all the red skins, but not under the lines of the lettering. The Great Seal of England is attached by a red and white plaited cord; it is kept in a tin case, and resembles the seal attached to George II's Charter (see p. 271). On this sale, see *Introduction*, 94.

GEORGE THE SECOND BY THE GRACE OF GOD of Great Britain France and Ireland King, Defender of the faith and so forth, To ALL to whom these Presents shall come Greeting. WEE HAVE INSPECTED certain Letters Patent of our Royall Predecessor of Pious Memory CHARLES THE FIRST heretofore King of England remaining upon Record in Our High Court of Chancery, THE TENOR whereof (so far as relates to the Town of Litherpoole, otherwise Liverpoole, with the Appurtenances in Our County of LANCASTER) is in the words following (To wit): TRICESIMA QVARTA PARS Patentium de Anno Regni Regis Caroli QVARTO De Consilio Sibi et Heredibus, Edwardo Ditchfeild et alijs. REX Omnibus ad quos etc. Salutem. CVM diuersi Ciues Ciuitatis nostre Londoniarum et alij ad requisicionem et per procuracionem Maioris et Communitatis et Ciuium Ciuitatis nostre Londoniarum siue diuersorum Communitatis Ciuitatis illius ante hec tempora et Rebus accionibus postulantibus mutuo dederint Precharissimo nuper Patri nostro Domino Jacobo nuper Regi beate memorie,

aceciam Nobis post accessum nostrum ad Coronam huius Regni nostri Anglie diuersas ingentes¹ pecuniarum Summas, Quequidem Summe unacum rationabili damno occasione non resolucionis inde per Calculum siue Compotum quod Nosmetipsi Inspeximus ac Nobis et Dominis et alijs de priuato Concilio nostro iusta et equa uisa sunt, ante tercium diem Januarij ultime elapsam ante datum Presentium attigerunt et prouenerunt ad Summam ducentarum uiginti nouem millium octingentarum nonaginta septem librarum et duorum Solidorum legalis monete Anglie; Cvmque tercio die Januarij ultime preterito ante datum Presencium per Indenturam Contractus inter Nos et quamplures Dominorum et alios de Priuato Concilio nostro in eadem Indentura Nominatos ex una parte et predictos Maiorem et Communitatem ac Ciues Ciuitatis Londoniarum ex altera parte confectam, cuius Indenture una pars cum manu nostra Regali ac manibus quamplurium Dominorum et aliorum de Priuato Concilio nostro Signata quam magno Sigillo Anglie et Sigillis dictorum Dominorum et aliorum Sigillata fuit, et altera pars eiusdem Communi Sigillo dictorum Maioris et Communitatis ac Ciuium fuit Sigillata, Conuentum et Concordatum existit, Et Nos per eandem Indenturam cum aduisamento et Consensu dictorum Dominorum et aliorum Promiserimus quod tam pro satisfaccione predicte integre Summe ducentarum uiginti et nouem millium octingentarum nonaginta et Septem librarum et duorum Solidorum quam libenter Satisfacere uoluerimus, aceciam in Consideracione ulterius Summe Centum et uiginti millium librarum legalis monete Anglie Nobis ad Receptum Scaccarij nostri per dictos Maiorem et Communitatem ac Ciues modo et forma in eadem Indentura specificatis soluende, uidelicet Sexaginta millium Librarum inde infra decem dies proxime et immediate post Signacionem et Sigillacionem dicte Indenture per Nos et Subscripcionem et Sigillacionem per Dominos et alios de Priuato Concilio nostro uel maiorem partem eorum, ac Sexaginta Millium Librarum inde residui ad finem dimidij unius Anni tunc proxime Sequentis, Assurancia in dicta Indentura mencionata interim existente facta secundum tenorem dicte Indenture, Nos Heredes et Successores nostri concederimus huiusmodi Personis quales in eadem Indentura mencionantur Maneria Terras Tenementa et Hereditamenta attingentia ad plenum et clarum annualem ualorem duodecim millium quadragentarum nonaginta Sex Librarum Sex Solidorum et Sex denariorum Sterlingorum secundum huiusmodi ratum et ualorem ac in huiusmodi modo et forma ac cum huiusmodi Excepcionibus et Conuencionibus eligenda ualuanda computanda et concedenda quales in predicta Indentura existunt mencionate. Cvmque predicti Maior et Communitas ac Ciues Ciuitatis Londoniarum predicte bene et fideliter persoluerunt tam predictam Summam Sexaginta millium librarum, parcellam predicte Summe Centum et Viginti millium librarum legalis monete Anglie, sic ut prefertur, mencionatam fore Solubilem infra decem dies proxime et immediate post Signacionem et Sigillacionem dicte Indenture secundum ueram Intencionem eiusdem quam eciam Summam uiginti et quinque millium librarum ac in loco Solucionis et Satisfaccionis totidem denarij parcellae predictarum aliarum Sexaginta Millium librarum

1. The letters 'ng' in 'ingentes' are wanting owing to a hole in the vellum.

ad predictum finem dimidij unius Anni post Contractum predictum, assurance in predicta Indentura mencionata interim facta existente, predicti Maior et Communitas ac Ciues ad Specialem Instanciam nostram ad uaria negocia nostra agenda pro manibus similiter persoluerunt ad Receptum Scaccarij nostri apud Westmonasterium ad usum nostrum, de quibus quidem separabilibus Summis Sexaginta millium librarum per quasdam Litteras nostras Patentes gerentes datum apud Westmonasterium decimo quarto die Junij ultime preterito Cognouimus et per Presentes fatemur Nos plenarie fore Satisfactos et persolutos: SCIATIS ECIAM quod Nos in ulteriori complemento agreamentorum et promissionum nostrorum in dicta separabili Indentura Contractus specificatorum, necnon ad humilem petitionem Nominacionem et Requisicionem dictorum Maioris et Communitatis ac Ciuium Ciuitatis nostre Londoniarum predictae, DE GRATIA nostra speciali ac ex Certa Scientia et mero motu nostris DEDIMVS ET CONCESSIMVS ac per Presentes pro Nobis Heredibus et Successoribus nostris DAMVS ET CONCEDIMVS Dilectis Subditis nostris Edwardo Ditchfeild Ciui et Salinario Londoniarum, Johanni Heighlord Ciui et Pellipario Londoniarum, Humfredo Clarke Ciui et Tinctori Londiniarum, et Francisco Mosse Ciui et Scriptori Londoniarum, Heredibus et Assignatis suis Imperpetuum INTER ALIA TOTAM ILLAM² Villam et Dominium nostrum de LITHERPOOLE, parcellam Honoris LANCASTRIE in Comitatu Lancastrie cum suis Juribus Membris et Pertinentijs uniuersis, Ac Totam illam battellam et Passagium ultra Aquam de Mersey ibidem ac Shamellas Carnificum in dicta Villa de Litherpoole, ACECIAM omnia Stallagium et Tolneta fori et Nundinarum cum perquisitis Curiarum in Litherpoole predicto, Ac omnes Custumas Anchoragium et Keytowle Aque de Mersey predictae ac infra predictam Villam siue Dominium de Litherpoole predicto, modo uel nuper in tenura siue Occupatione Ricardi Molineux Militis uel Assignatorum suorum, per particularia inde mencionata esse Annualis Redditus siue Valoris quatuordecem Librarum Sex Solidorum et octo denariorum ac fore parcellam Terrarum et Possessionum antiqui DVCATVS LANCASTRIE. DEDIMVS eciam et CONCESSIMVS ac per Presentes pro Nobis Heredibus et Successoribus nostris Damus et Concedimus prefatis Edwardo Ditchfeilde Johanni Heighlord Humfrido Clarke et Francisco Mosse Heredibus et Assignatis suis omnia et singula firmas Mesuagia Cotagia, Molendina Domos Edificia Structuras Horrea Stabulas Columbarias Horta Pomaria Gardinia Tofta Cottagia Curtilagia Terras Tenementa Stagna Vivaria Prata Pascua Pasturas lezuras Communas Terras Dominicales Terras Custumarias terras glebas terras assertas uasta Jampna bruaria moras marisca uias uacua funda Semitas easiamenta bosca Subbosca Siluas Ceduas terras boscales et Arbores nostras quascumque, ac totam terram fundum et Solum eorum boscorum Subboscorum et Arborum, decimas garbarum bladorum granorum et feni lane lini Canabi et Agnellorum ac omnes alias decimas quascunque, tam maiores quam minores, necnon oblationes fructa proficua Commoditates gurgites ripas rivolas aquas aquarum Cursos Piscaria Piscaciones aucupaciones Venaciones liberum faldagium turbarias Sectas Socas mulcturas liberas Warrenas Minerias quarrieras pen-

2. The second sheet of the original begins with these words.

ciones porciones redditus reuenciones et Seruicia redditus onerarios redditus, Soccagiorum Redditus assisas ac redditus et Seruicia tam libera quam Custumaria Tenentes opera Tenentium annuales redditus Incrementa reddituum firmas feodi firmas annuitates Wardas Maritagia Escaetas Releuia auxilia herietta fines amerciamenta certos redditus communes fines Curias letas et uisus franci Plegii Curias Hundredi Curiarum et Letarum perquisiciones et proficua ac omnia que ad Curias hundredi Curias letas et visum franci Plegij pertinent seu imposterum Spectare possint aut debent, bona et Catalla Waiuiata bona et Catalla felonum tam de Se quam aliorum felonum fugitiuorum utlagatorum attinctorum condempnatorum et in exigendis positorum extrahuras deodanda natiuos natiuas et Villanos cum eorum sequela estoueria nundinas et mercata ac Nundinarum Exitus Curias Pedis Puluerizati Stallagia tolmeta theolonia Custumas Picagia emolumenta immunitates acquietancias et hereditamenta nostra quecumque cum omnibus et singulis eorum iuribus membris et pertinentijs uniuersis cuiuscunque sint generis nature uel speciei seu quibuscunque nominibus Sciantur Censeantur nuncupentur reputentur seu cognoscantur scituata iacentia et existentia, prouenientia crescentia renouantia contingentia siue emergentia in uel infra Dominia Maneria Villas loca Campos Parochias siue Hamlettas predictas seu in uel infra eorum aliquem uel aliquos uel alibi ubicunque predictis Castribus Dominijs Manerijs Mesuagijs terris Tenementis et hereditamentis et ceteris premissis superius per Presentes precessis aut mencionatis fore concessis seu eorum alicui uel aliquibus aut alicui inde parti uel parcelle quoquomodo spectantia pertinentia incidentia appendentia uel incumbentia, aut ut membra partes uel parcelle eorundem Castrorum Dominiorum Maneriorum Mesuagiorum terrarum tenementorum et hereditamentorum et ceterorum Premissorum superius per Presentes mencionatorum fore concessorum seu eorum aliquorum uel alicuius unquam antehac habitorem cognitorum acceptorum occupatorum dimissorum locatorum siue reputatorum existentium, necnon reuercionem et reuerciones remanerium et remaneria nostra quecumque omnium et singulorum predictorum Castrorum Dominiorum Maneriorum Mesuagiorum terrarum tenementorum et hereditamentorum et ceterorum Premissorum superius per Presentes preconcessorum aut mencionatorum fore concessorum et cuiuslibet inde parcelle dependentis uel expectantis de in uel super aliquod uel aliqua donum siue dona in feodo talliato aut aliquam uel aliquas Dimissionem uel Concessionem, Dimissiones, uel Concessionem, pro termino uel terminis uite uitarum uel annorum aut aliter de Premissis per presentes preconcessis aut mencionatis fore concessis seu de aliqua inde parcella quoquomodo factas, existentes de Recordo uel non de Recordo; Necnon omnia et singula redditus incrementa reddituum et annualia proficua quecumque reseruata de in uel super aliquam uel aliquas Dimissionem uel Concessionem, Dimissiones uel Concessionem, de in aut super premissa per presentes mencionata fore concessa uel de in aut super aliquam inde parcellam factas, existentes de Recordo uel non de Recordo, ac redditus et annualia proficua omnium et singulorum eorundem Premissorum et cuiuslibet inde parcelle. Et ULTERIVS de ampliori Gratia nostra speciali ac ex Certa Scientia et mero motu nostris Volumus ac per Presentes pro Nobis Heredibus et Successoribus

nostris Concedimus prefatis Edwardo Ditchfeilde Johanni Highlord Humfrido Clarke et Francisco Mosse heredibus et Assignatis suis quod Ipsi prefati Edwardus Ditchfeild Johannes Heighlord Humfredus Clarke et Franciscus Mosse heredes et Assignati sui de cetero imperpetuum habeant teneant et gaudeant ac habere tenere et gaudere valeant et possint infra predicta Castra Dominia Maneria Mesuagia terras tenementa et Hereditamenta ac cetera omnia Et SINGULA PREMISSA¹ superius per Presentes preconcessa ac infra quamlibet inde partem siue parcellam tot tanta talia eadem huiusmodi et Consimilia Curias Letas Visus franci plegij laiodaies assisas et assaiam panis Vini et Seruicij bona et Catalla waviata extrahuras bona et Catalla felonum et fugitiuorum felonum de Se et in Exigendis positorum utlagatorum et Conuictorum et aliorum felonum quorumcunque deodanda Escaeta releuia herietta liberas warrenas aucupaciones uenaciones ac omnia alia Jura Jurisdictiones franchises libertates priuilegia consuetudines immunitates acquietancias proficua Commoditates aduantage emolumenta et hereditamenta quecumque quot quanta qualia et que ac adeo plene libere et integre ac in tam amplis modo et forma prout predictus Johannes Perrot Miles aut predictus Robertus nuper Comes Leicestrie aut predictus Jasper nuper Dominus Beddfordie aut predictus Thomas nuper Dominus Seymor aut aliquis Dux Somersett aut predictus Johannes Beamond Armiger aut predictus Ricardus Lee Miles aut predictus Edwardus Elrington Armiger aut aliquis Episcopus Elieniensis aut predictus Edwardus Dominus Clinton aut predictus Johannes Leigh Miles aut predictus Willielmus Marchio Northamtuna aut aliquis DVX LANCASTRIE aut aliqua Ducissa Richmond aut predictus Thomas Dominus Darcey de Ereech aut predictus Henricus Marchio Exoniensis aut predictus Johannes Mason Miles aut predictus Carolus nuper Comes Westmorland aut predictus Richardus Strelley Miles aut predictus Thomas Wyatt Miles aut aliquis Archiepiscopus Cantuariensis aut predictus Reginald Poole Cardinallus aut predictus Henricus Dux Suffolkie aut predictus Thomas Vicecomes ffenton aut predictus Thomas Orchard aut predictus Willielmus Worsted aut aliquis Abbas siue Prior Abbissa siue Priorissa alicuius nuper Monasterij Abbatie Prioratus siue Hospitalarie aut aliquis alius siue aliqui alij predicta Castra Dominia Maneria Mesuagia Terras Tenementa et Hereditamenta et cetera Premissa superius per Presentes preconcessa aut mencionata fore concessa aut aliquam inde parcellam unquam habentes possidentes aut seisiti inde existentes, habens Possidens aut seisitus inde existens, unquam habuerunt tenuerunt usi uel gauisi fuerunt, habuit tenuit usus uel gauisus fuit, seu habere tenere uti uel gaudere debuerunt uel debuit in Premissis superius per Presentes preconcessis aut mencionatis fore concessis aut in aliqua inde parcella, ratione uel pretexto alicuius Charte doni Concessionis seu Confirmatione (*sic*) aut ratione aliquarum Litterarum Patentium per Nos seu per aliquem Progenitorum uel Antecessorum nostrorum nuper Regum uel Reginarum Anglie antehac habitatum factarum Concessarum seu confirmatarum, aut ratione uel pretexto alicuius Actus Parlamenti uel aliquorum Actuum Parlamenti, aut ratione uel pretexto alicuius legitime Prescripcionis usus seu Consuetudinis antehac

1. The third sheet of the original begins with these words.

habite seu usitate uel aliter quocunque legali modo Jure seu Titulo ac adeo plene libere et integre ac in tam amplis modo et forma prout nos aut aliquis Progenitorum uel Antecessorum nostrorum nuper Regum uel Reginarum Anglie premissa superius per Presentes preconcessa aut aliquam inde parcellam habuimus aut gauisi fuimus aut habuerunt seu gauisi fuerunt aut habere et gaudere debuimus aut habere et gaudere debuerunt aut debuit. DAMVS VLTERIVS ac per Presentes pro Nobis heredibus et Successoribus nostris CONCEDIMVS prefatis Edwardo Ditchfeild Johanni Heighlord Humfrido Clarke et Francisco Mosse heredibus et Assignatis suis omnia et singula predicta Dominia Maneria Mesuagia terras Tenementa et Hereditamenta et cetera premissa superius per presentes preconcessa aut mencionata fore concessa et quamlibet inde parcellam cum eorum Juribus membris et pertinentijs uniuersis adeo plene libere et integre (*sic*) ac in tam amplis modo et forma prout ea omnia et singula Premissa aut aliqua inde parcella ad manus nostras seu ad manus aliquorum Progenitorum seu Antecessorum nostrorum nuper Regum uel Reginarum Anglie aut ad manus eorum uel eorum alicuius ratione uel preteritu alicuius dissolutionis Suppressionis Sursumreddicionis uel reliccionis alicuius uel aliquorum nuper Monasteriorum Abbatiarum siue Prioratuum aut ratione alicuius Actus Parliamenti uel aliquorum Actuum Parliamenti aut ratione alicuius exchambij uel perquisicionis aut alicuius Sursumreddicionis Doni uel Concessionis aut ratione alicuius attincture siue forisfacture aut ratione Escaeti seu quocunque alio legali modo iure seu titulo deueniunt seu deuenire debuerunt, aut in manibus nostris iam existunt seu existere debent uel deberent. EXCEPTA TAMEN semper et extra hanc presentem Concessionem nostram nobis Heredibus et Successoribus nostris omnino RESERVATIS omnibus et singulis fforestis et Chaceis ac omnibus parcis modo usitatis et cum Damis repletis ac omnibus feodis militum wardis et maritagijs ac omnibus Aduocacionibus Donacionibus liberis Disposicionibus et Juribus Patronatus omnium et singulorum Rectoriarum Ecclesiarum Vicararum Capellarum et aliorum beneficiorum Ecclesiasticorum quorumcunque infra Premissa preconcessa aut aliquam inde parcellam aut Premissis seu eorum alicui uel aliquibus quoquomodo spectantibus pertinentibus incidentibus appendentibus uel incumbentibus. NECNON EXCEPTIS omnibus minerijs auri et argenti infra aut super. Premissa existentibus uel inueniendis ac omnibus Prerogatiuis eisdem Minerijs Spectantibus; HABENDVM TENENDVM ET GAUDENDVM omnia et Singula predicta Castra Dominia Maneria mesuagia terras tenementa prata pascua pasturas boscos Subboscos Curias letas Visus franci pligij proficua Commoditates libertates Preheminencias aduantagia emolumenta et hereditamenta ac cetera omnia et singula Premissa superius per Presentes preconcessa aut mencionata fore concessa cum eorum Juribus membris et pertinentijs uniuersis (Exceptis preexceptis) prefatis Edwardo Ditchfeild JOHANNI HEIGHLORD¹ Humfrido Clarke et Francisco Mosse heredibus et Assignatis suis Ad solum et proprium OPUS et USUM ipsorum Edwardi Ditchfeild Johannis Heighlord Humfredi Clarke et francisci Mosse heredum et Assignatorum suorum in feodi firma imperpetuum TENENDVM predictum Dominium

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siue Manerium ac predictam VILLAM DE LITHERPOOLE ac cetera omnia et singula predicta Maneria terras tenementa et Hereditamenta superius in Presentibus concessa ac parcellam predicti Ducatus Lancastrie aut eidem Ducatui mencionata fore annexa cum eorum Juribus membris et pertinentijs uniuersis DE NOBIS Heredibus et Successoribus nostris ut de MANERIO nostro de ENDFIELD in Comitatu nostro Middlesexie per fidelitatem tantum in libero et Comuni Socagio et non in Capite nec per Seruicium militare in feodi firma imperpetuum ; Ac REDDENDO annuatim Nobis Heredibus et Successoribus nostris de et pro predictis Dominio et Villa de LITHERPOOLE in eodem Comitatu cum pertinentijs quatuordecem Libras sex Solidos et Octo denarios legalis monete Anglie ad manus Generalis Receptoris nostri heredum et Successorum nostrorum predicti Ducatus LANCASTRIE aut alij particularis Receptoris eorundem Premissorum pro tempore existente ad festa Sancti Michaelis Archangeli et Annunciacionis beate Marie Virginis per equales porciones annuatim soluendos imperpetuum pro omnibus alijs Redditibus seruicijs exacionbus et demandis quibuscunque proinde Nobis Heredibus uel Successoribus nostris quoquomodo Reddendis Soluendis uel faciendis prima solucione inde incipienda ad festum Sancti Michaelis Archangeli proxime sequentem post datum Presencium. ET VLTERRVS pro Consideracione predicta de ampliori gratia nostra speciali ac ex certa Sciencia et Mero motu nostris DEDIMVS et Concessimus ac per Presentes pro Nobis heredibus et Successoribus nostris damus et Concedimus prefatis Edwardio Ditchfeilde Johanni Heighlord Humfrido Clarke et francisco Mosse Executoribus et Assignatis suis omnes et singulos fines in aliqua Curia Baronie siue aliquibus Curijs Baronie in uel infra predicta Dominium et Manerium superius per Presentes preconcessa tentis ratione admittancie Tenentium per Copiam Rotulorum Curiarum ibidem pro termino Vite vel Vitarum aut de aliquo Statu Hereditario ubi dicti fines incerti sunt uel arbitrables ad Voluntatem Domini a tertio die Januarij ultime preterito ante datum Presencium hucusque Prouenientes crescentes renouantes emergentes debitos incursos siue solubiles, Habendos eisdem Edwardo Ditchfeilde Johanni Heighlord Humfrido Clarke et francisco Mosse Executoribus et Assignatis suis ut ex dono nostro absque Compoto seu aliquo alio proinde Nobis heredibus uel Successoribus nostris quoquomodo Reddendo Soluendo uel faciendo. QVARE VOLVMVS ac per Presentes pro Nobis heredibus et Successoribus nostris precipimus et mandamus Thesaurario Cancellario Subthesaurario et Baronibus scaccarij nostri heredum et Successorum nostrorum ac Conciliariorum (*sic*) et Concilio predicti Ducatus Lancastrie pro tempore existente ac omnibus et singulis Receptoribus Balliuis et alijs Officiarijs et Ministris nostris heredum et Successorum nostrorum quibuscunque dicti Scaccarij et Ducatus respectiue pro tempore existente quod si dicti fines aut alique pecuniarum Summe pro uel in respectu eorundem finium uel pecuniarum Summarum ultime preconcessorum seu eorum aliquorum uel alicuius Nobis post dictum tertium diem Januarij nunc ultime preteritum et non ante debitorum et solubilium ad Receptum Scaccarij nostri seu ad manus Balliuorum uel Receptorum premissorum responsi siue soluti sint, quod tunc ijdem Thesaurarius Cancellarius Subthesaurarius et Barones dicti Scaccarij Ac predictus Cancellarius et Concilium predicti Ducatus Lancastrie ac dicti

Receptores Balliui et alij Officiarij et Ministri deliberent aut deliberari facient prefatis Edwardo Ditchfeild Johanni Heighlord Humfrido Clarke et Francisco Mosse Executoribus et Assignatis suis omnes et singulos huiusmodi fines et denarij Summas sic Nobis ad Receptum Scaccarij nostri seu ad manus Balliuorum uel Receptorum Premissorum post dictum tertium diem Januarij ultime preteritum ut prefertur responsos et solutos ; Et he Littere nostre Patentes uel Irrotulamentam earundem erunt tam predictis Thesaurario Cancellario et Baronibus dicti Scaccarij ac predictis Cancellario et Concilio dicti Ducatus Lancastrie quam predictis Receptoribus Balliuis et alijs Officiarijs et Ministris predictis sufficiens Warrantum et exoneracio in hac parte. VOLVMVS ETIAM et de uberiori gratia nostra speciali ac ex certa Scientia et mero motu nostris pro consideratione predicta pro nobis Heredibus et Successoribus nostris Concedimus prefatis Edwardo Ditchfeilde Johanni Heighlord Humfrido Clarke et Francisco Mosse heredibus et Assignatis suis quod nec ipsi nec eorum aliquis uel aliqui heredes Executores Administratores uel Assignati sui aut aliquorum uel alicuius nec Castra Dominia Maneria Rectorie Mesuagia terre tenementa aut hereditamenta superius per Presentes mencionata fore concessa aut eorum aliquod uel aliqua aut aliqua inde pars siue parcella nec aliqua alia dominia Maneria terre Tenementa Redditus siue hereditamenta bonas iue Catalla eorundem Edwardi Ditchfeilde Johannis Heighlord Humfrido (*sic*) Clarke et Francisco (*sic*) Mosse aut eorundem aliquorum uel alicuius aut heredum siue Assignatorum suorum seu eorum aliquorum uel alicuius de cetero aliququaliter impeccientur rapienter distinguuntur (*sic*) Seisentur aut onorabuntur, impeccietur rapietur distringetur Seisetur aut onerabitur, aut aliquomodo grauabuntur seu grauabitur pro aliqua Soluacione alicuius pecuniarum summe aut aliquarum pecuniarum Summarum uel pro aliqua Satisfaccione uel recompensacione nobis heredibus uel Successoribus nostris ullo modo Soluenda uel facienda pro uel in respectu quod predicta Castra Dominia Maneria Rectorie Mesuagia terre Tenementa AVT HEREDITAMENTA¹ et cetera Premissa superius per Presentes preconcessa aut mencionata fore concessa aut eorum aliquod uel aliqua aut aliqua inde pars siue parcella tempore Confecconis harum Litterarum nostrarum Patentium est aut sint aut aliquo tempore ante hac sint uel fuerunt uel esse uel fuisse prentenda possit aut possint melioris uel maioris annualis ualoris nobis uel Progenitoribus aut Predecessoribus nostris in annuali Redditu uel firma aut in casualibus proficuis seu aliter quam in hijs Literis nostris Patentibus aut in particulari uel rata inde facta per aliquem Auditorem Superuisorem seu alium Officiarium nostrum quemcunque eadem Premissa mencionatur siue mencionantur certificatur siue certificantur estimatur siue estimantur ualuatur siue ualuantur. Et VLTERIVS VOLVMVS ac pro nobis heredibus et Successoribus nostris Conuenimus et Concedimus ad et cum prefatis Edwardo Ditchfeild Johanne Heighlord Humfrido Clarke et Francisco Mosse heredibus et Assignatis suis per Presentes quod si contigerit predictos annuales Redditus superius per presentes reseruatos aut eorum aliquem uel aliquos aretro fore non solutos in parte uel in toto post aliquod festum festorum predictorum quo ut prefertur Solui debeat uel debeant,

1. The fifth sheet of the original begins with these words.

Nihilominus nullum breue Summonicionis districcionis seizure siue processa e Curia Scaccarij predicti aut e Curia predicti Ducatus Lancastrie emanabit aut concedetur uersus predictos Edwardum Ditchfeild Johannem Heighlord Humfridum Clarke et franciscum Mosse heredes aut Assignatos suos aut aliquam aliam Personam aut aliquas alias Personas aut uersus eorum seu eorum aliquorum uel alicuius terras tenementa et hereditamenta bona siue catalla pro leuacione uel recuperacione predictorum reddituum sic aretro fore contingentium, quandiu Premissa per Presentes preconcessa aut eorum aliquod uel aliqua respectiue super confidenciam predictam tenta fuerint, sed solummodo uersus huiusmodi predictos terras Tenementa et Premissa pro quo uel quibus annuales Redditus modo et forma predictis aretro fuerint et insoluti respectiue. Et IDEO pro nobis heredibus et Successoribus nostris precipimus et mandamus prefatis The-saurario Cancellario et Baronibus predicti Scaccarij ac predictis Cancellario et Concilio predicti Ducatus Lancastrie ac omnibus Officiarijs et Ministris dicti Scaccarij ac dicti Ducatus pro tempore existente quod nec ipsi nec eorum aliquis uel aliqui dirigant aut faciant aut dirigi facient uel Causabunt, faciet uel causabit, aliquod breue districcionis summonicionis seizure uel processam contra bene-placitum et uoluntatem nostram superius declaratam. Et ULTERIVS pro meliori Securitate prefatorum Edwardi Ditchfeild Johannis Heighlorde Humfridi Clarke et francisci Mosse heredum et Assignatorum suorum in premissis Conuenimus et Concedimus pro Nobis heredibus et successoribus nostris ad et cum prefatis Edwardo Ditchfeild Johanne Heighlord Humfrido Clarke et francisco Mosse heredibus et Assignatis suis per Presentes quod omnes et omnimodi fines et quilibet fines per Nos de premissis leuati seu imposterum leuandi et omnes alie quecunque assuranciones per Nos facte seu imposterum faciende de Premissis seu eorum aliquo crunt remanebunt intellegentur et reputabuntur esse et fore ad solum ad proprium opus et usum ipsorum Edwardi Ditchfeilde Johannis Heighlord Humfridi Clarke et francisci Mosse heredum et Assignatorum suorum imperpetuum et ad nullum alium usum quemcunque. Quodque si et quoties-cunque dubitationes siue questiones alique oriri contigerint de ualiditate harum Litterarum nostrarum Patentium aut de Statu titulo et Interesse dictorum Edwardi Ditchfeild Johannis Heighlord Humfridi Clarke et francisci Mosse heredum et Assignatorum suorum aut eorum aliquorum uel alicuius de in et ad premissa aut aliquam inde parcellam, quod tunc et tocies super humilem peti-cionem ipsorum aut eorum aliquorum uel alicuius Nobis heredibus et Successori-bus nostris exhibendam ac super Noticiam et Certificacionem nobis herede-bus uel Successoribus nostris per Attornatum generalem nostrum heredum uel Successorum nostrorum pro tempore existente de defectu emendari requisito, Nos heredes et Successores nostri grocie (*sic*) concedere dignaremur alias Litteras Patentes eisdem Edwardo Ditchfeilde Johanni Heighlord Humfredo Clarke et francisco Mosse heredibus et Assignatis suis cum talibus et huiusmodi emenda-cione amplificacione et addicionibus quales per dictum Attornatum Generalem pro tempore existente in ea parte deuisabuntur et conuenientes fore aduisa-buntur. Et ULTERIVS de ampliori gratia nostra speciali et ex certa Sciencia et mero motu nostris Volumus ac per Presentes pro Nobis heredibus et Successoribus nostris Concedimus prefatis Edwardo Ditchfeild Johanni Heighlorde Humfredo

Clarke et Francisco Mosse heredibus et Assignatis suis, Quod Nos heredes et Successores nostri de cetero imperpetuum Annuatim et de tempore in tempus exonerabimus acquietabimus et indemnum Conseruabimus tam prefatos Edwardum Ditchfeild Johannem Heighlord Humfredum Clarke et franciscum Mosse heredes et Assignatos suos quam prefata Castra Dominia Maneria Rectorias mesuagia terras Tenementa et Hereditamenta et cetera omnia et singula Premissa superius per Presentes preconcessa aut mencionata fore concessa et quamlibet inde parcellam cum eorum pertinentijs uniuersis uersus Nos heredes et Successores nostros de et ab omnibus et omnimodis huiusmodi Corrodijs feodis Redditibus Seruicijs annuitatibus Pencionibus porcionibus denarij Summis et oneribus quibuscunque de Premissis seu de aliqua inde parcella Nobis heredibus uel Successoribus nostris quoquomodo exeuntibus seu Soluendis, uel superinde uersus Nos Heredes seu successores nostris oneratis seu onerandis, PRETERQVAM de Redditibus seruicijs tenuris et ceteris Premissis superius in presentibus NOBIS HEREDIBVS ET SVCCSSORIBVS NOSTRIS¹ Reseruatis ac Preterquam de dimissionibus et Concessionibus de premissis seu de aliqua inde parcella antehac factis ac Conuencionibus et Condicionibus in eisdem existentibus ac Conuencionibus et oneribus que aliquis firmarius siue aliqui firmarij premisorum ratione aliquarum Indenturarum et dimissionum suarum facere et Exonerare tenetur seu tenentur, ac preterquam de Conuencionibus superius in presentibus factis et per prefatos Edwardum Ditchfeild Johannem Heighlord Humfredum Clarke et franciscum Mosse heredes et Assignatos suos prestandis et formandis. QVARE VOLVMVS ac per presentes pro Nobis heredibus et Successoribus nostris firmiter Iniungendo precipimus tam Thesaurario Cancellario et Baronibus scaccarij nostri predicti heredum et successorum nostrorum pro tempore existente ac Cancellario et Concilio Ducatus nostri Lancastrie heredum et Successorum nostrorum pro tempore existente quam omnibus et singulis Auditoribus Receptoribus et alijs Officiarijs et Ministris nostris heredum et Successorum nostrorum quibuscunque pro tempore existente quod Ipsi et eorum quilibet super solam demonstrationem harum Litterarum nostrarum Patentium uel Irrotulamenti earundem absque aliquo alio breui seu warranto a Nobis heredibus uel Successoribus nostris quoquomodo impetrando seu proseguendo plenam integram debitamque allocationem et exoneracionem manifestam de et ab omnibus et omnimodis huiusmodi Corrodijs redditibus feodis seruicijs Annuitatibus pencionibus porcionibus denarij summis et oneribus quibuscunque preterquam de predictis redditibus Seruicijs tenuris Conuencionibus et ceteris premissis superius in hijs Presentibus Exceptis siue reseruatis ac per prefatos Edwardum Ditchfeild Johannem Heighlord Humfredum Clarke et franciscum Mosse heredes uel Assignatos suos sic ut prefertur Soluendis et performandis prefatis, Edwardo Ditchfeild Johanni Heighlord Humfredo Clarke et Francisco Mosse heredibus et Assignatis suis facient et de tempore in tempus fieri Causabunt. Et he Littere nostre Patentis uel Irrotulamentum earundem erunt annuatim et de tempore in tempus tam dictis Thesaurario Cancellario et Baronibus Scaccarij nostri heredum et Successorum nostrorum ac predictis

1. The sixth sheet of the original begins with these words.

Cancellario et Concilio Ducatus Lancastrie heredum et Successorum nostrorum¹ quam predictis Auditoribus Receptoribus et alijs Officiarijs et Ministris nostris heredum et Successorum nostrorum quibuscunque pro tempore existente sufficiens Warrantum et Exoneracio in hac parte. Et ULTERIVS VOLVIMVS ac per Presentes pro Nobis Heredibus et Successoribus nostris Concedimus Edwardo Ditchfeild Johanni Heighlord Humfrido Clarke et Francisco Mosse heredibus et Assignatis suis quod he Littere nostre Patentes uel Irrotulamentum earundem erunt in omnibus et per omnia firme ualide bone sufficientes effectuales in lege erga et contra nos heredes et Successores nostros tam in omnibus Curijs nostris quam alibi infra Regnum nostrum Anglie absque aliquibus Confirmacionibus licencijs uel tolleracionibus de nobis heredibus uel Successoribus nostris procurandis aut obtinendis. Ac quod predicti Edwardus Ditchfeild Johannes Heighlord Humfredus Clarke et Francisco Mosse heredes et Assignati sui de cetero imperpetuum omnia et Singula Premissa cum pertinentijs habere et tenere ualeant ac eadem habere et tenere sub Confidencia ac ad usum prefatorum Maioris et Communitatis ac Ciuium Ciuitatis predictae et Successorum suorum, et predicti Maior et Communitas ac Ciues Ciuitatis Londoniarum et Successores sui Commodum inde habere et percipere ualeant. Non obstante male nominando uel non nominando, male recitando uel non recitando predicta Castra Dominiam Maneria Rectorias mesuagia terras tenementa et hereditamenta et cetera Premissa superius per Presentes preconcessa aut mencionata fore concessa aut aliquam inde partem uel parcelлам. Et non Obstante non inueniendo aut male Inueniendo Officium siue Officia aut Inquisicionem siue Inquisiciones Premissorum aut alicuius inde parcelle, per que titulus noster inueniri debuit ante confeccionem harum Litterarum nostrarum Patentium. Et non obstante aliquo defectu siue aliquibus defectibus in non recitando aut male recitando aliquam uel aliquas Dimissionem uel Concessionem Dimisiones uel Concessionem Donum uel dona de uel concernente Premissis uel de aut concernente aliqua inde parte uel parcella siue de alique proficuo inde de Recordo uel non de Recordo antehac factus et non Obstante male nominando uel non recte nominando aut non nominando aliquam Ciuitatem Villam Hamlettam locum Parochian uel Comitatum in quo uel in quibus Premissa uel aliqua inde parcella existunt uel existet. Et non Obstante aliquo defectu siue aliquibus defectibus in male nominando uel non nominando aliquem tenentem firmarium siue Occupatorem Premissorum aut alicuius inde parcelle. Et non Obstante aliqua uariacione discrepancia siue differencia in aliqua re materia nomine siue forma inter has Litteras nostras Patentes et aliquod particulare Certificacionis siue Superuisionis de Premissis seu de aliqua inde parcella antehac facte, aut inter has Litteras nostras Patentes et aliquas alias Litteras Patentes de premissis aut aliqua inde parcella antehac factas, aut inter has Litteras nostras Patentes et aliquas alias Litteras Patentes de Premissis aut aliqua inde parcella antehac factas, aut inter has Litteras nostras Patentes et aliquod uel aliqua Recordum uel Recorda Compotum uel Compota premissa predicta aut aliquam inde parcelлам quomodo tangencia siue concernentia. Et non Obstante aliquo defectu siue

1. These words from *ac predictis* are inserted in the original.

aliquibus defectibus in non mencionando uel non recte aut male mencionando uerum annualem ualorem Premissorum aut alicuius inde parcelle aut uerum annualem redditum reseruatum de in aut super Premissa aut aliquam inde parcelam specificate in aliquo particulari Superuisionis siue Compoti antehac facti siue imposterum fiendi de Premissis aut eorum aliquo uel aliquibus. Et non obstante quod eadem premissa uel aliqua proficua inde unquam fuerunt melioris siue maioris ualoris Annualis quam in hijs Litteris Patentibus uel aliquo particulari Premissorum specificatur. Et non obstante quod de Statu seu titulo nostro uel aliquorum Progenitorum nostrorum ad eadem Premissa uel aliquam partem inde habendam uel de modo siue modis quo uel quibus eadem premissa ad manus nostras uel ad manus aliquorum Progenitorum nostrorum deueniunt seu aliqua pars inde deuenit non fit mencio aut non uera uel certa fit mencio in hijs Litteris Patentibus. Et non obstante statuto in Parlamento Domini Henrici nuper Regis Anglie sexti Antecessoris nostri Anno Regni sui decimo octauo facto et Edito. Et non obstante statuto in Parlamento Domini Henrici nuper Regis Anglie quarti Anno Regni sui primo facto et Edito. Et non obstante aliquibus alijs defectibus in non nominando aut non certe nominando naturam genus species quantitatem aut qualitatem premissorum aut alicuius inde parcelle aut aliquem uel aliquos qui antehac fuerunt siue fuit Seisitus siue Seisiti de premissis aut eorum aliquo uel aliquibus aut aliquem Statum talliatum aut alterum Statum nobis aut alicui Progenitorum uel Antecessorum nostrorum antehac factum aut aliqua Indentura siue annexacione per Charissimum nuper patrem nostrum beate memorie aut aliquem alium Progenitorum uel Antecessorum nostrorum nuper Regum uel Reginarum Anglie aut aliqua Conuencione Agreamento uel Concessione eadem uel aliquam inde parcellam concernente in aliquo non obstante. VOLVMVS ECIAM ac per Presentes Concedimus prefatis Edwardo Ditchfeilde Johanni Heighlord Humfrido Clarke et Francisco Mosse heredibus et Assignatis suis quod habeant et habebunt has Litteras nostras Patentes tam sub magno sigillo nostro Anglie quam Sigillo Ducatus nostri Lancastrie et Sigillo Comitatus Palatini Lancastrie debito modo factas et Sigillatas absque fine in Hanaperio etc Eo quod expressa mencio etc. IN CVIVS REI etc T. R. apud Canbury. NONO DIE SEPTEMBRIS ANNO Regni nostri QVARTO, per ipsum Regem. WE THEREFORE at the Request of Francis Gildart Gentleman the present Town Clerk of Liverpoole aforesaid have Caused the said Letters Patent (so far as relates to the Town and Lordship of Litherpoole with the Appurtenances in our said County of Lancaster) to be EXEMPLIFIED under our Great Seal of Great Britain. IN WITNESS whereof Wee have Caused these our Letters to be made Patent. WITNESS Ourselves at Westminster the Twenty seventh day of february in the Twenty fifth year of Our Reign.

STRANGE

ROOKE.

Whereas divers citizens of our City of London and others at the request and by the procurement of the Mayor and commonalty and citizens of our City of London or of divers of the commonalty of that City, some time since and on urgent occasions, have jointly given to our late most dear father, the late lord King James of blessed memory, and also to ourself after our accession to the crown of this our realm of England, divers

great sums of money ; which sums, together with reasonable interest on the occasion of the nonpayment thereof, by a calculation or account which we ourselves have inspected and which seems to us and to the Lords and others of our Privy Council just and fair, amounted to and reached the sum of £229,897 2. o. of lawful money of England before the third day of January last past before the date of these presents. And whereas on the third day of January last past before the date of these presents, by an indenture of contract made between us and many of the Lords and others of our Privy Council named in the same indenture on the one part, and the aforesaid Mayor and Commonalty and Citizens of the City of London on the other part, one part of which indenture was signed with our royal sign manual and with the hands of many of the Lords and others of our Privy Council, and also sealed with the Great Seal of England and the Seals of the said lords and others, and the other part thereof was sealed with the Common Seal of the said Mayor and Commonalty and Citizens, it was covenanted and agreed, and we did, by the same indenture, with the advice and consent of the said Lords and others, promise that for the satisfaction of the aforesaid entire sum of £229,897 2. o. which we desired freely to satisfy, and also in consideration of a further sum of £120,000 of lawfull money of England to be paid to us at the receipt of our Exchequer by the said Mayor and Commonalty and Citizens in the manner and form specified in the said indenture, that is to say, £60,000 thereof within ten days next and immediately after the signing and sealing of the said indenture by us and the subscribing and sealing by the Lords and others of our Privy Council or by the greater part of them ; and £60,000 the remainder thereof at the end of half a year then next following (the assurance mentioned in the said indenture being in the meantime made according to the tenor of the said indenture) we, our heirs and successors would grant to such persons as are mentioned in the same indenture, manors, lands, tenements and hereditaments amounting to the full and clear yearly value of £12,496 6. 6. sterling to be chosen, valued, computed and granted according to such rate and valuation and in such manner and form and with such exceptions and covenants as are mentioned in the aforesaid indenture ; and whereas the aforesaid Mayor and Commonalty and Citizens of the City of London aforesaid have well and faithfully paid the aforesaid sum of £60,000, part of the aforesaid sum of £120,000 of lawful money of England as is aforesaid mentioned to be payable within ten days next and immediately after the signing and sealing of the said indenture, according to the true intent thereof, and also the sum of £25,000 and in lieu of the payment and satisfaction of so much money part of the aforesaid second £60,000 at the aforesaid end of half a year after the aforesaid contract (the assurance mentioned in the aforesaid indenture being in the meantime made), the aforesaid Mayor and Commonalty and Citizen: at our special instance have in like manner paid to our use in hand for our various businesses transacted at the receipt of our Exchequer at Westminster, of which several sums of £60,000 we have acknowledged by our Letters Patent bearing date at Westminster the fourteenth day of June last past, and by these presents we do confess ourself to be fully satisfied and paid ; Know ye also that we in further fulfilment of our agreements and promises specified in the said several indentures of contract, and also at the humble petition, nomination and request of the said Mayor and Commonalty and Citizens of our City of London aforesaid, of our special grace and of our certain knowledge and mere motion, have given and granted and by these presents for us, our heirs and successors do give and grant to our beloved subjects, Edward Ditchfield Citizen and salter of London, John Heighlond, Citizen and winner of London Humphrey Clarke Citizen and dyer of London, and Francis Mosse Citizen and writer of London, their heirs and assigns for ever, among other things all that our town and lordship of Liverpool, parcel of the Honor of Lancaster in the County of Lancaster with all their rights, members and appurtenances ; and

all that boat and passage over the water of the Mersey there, and the butchers' shambles in the said town of Liverpool, and also all the stallage and tolls of the market and fairs with the perquisites of the Courts in Liverpool aforesaid, and all the customs, anchorage and keytoll of the water of the Mersey aforesaid, and within the aforesaid town or lordship of Liverpool aforesaid, now or lately in the tenure or occupation of Sir Richard Molyneux, Knight, or his assigns, by the particulars thereof mentioned to be of the yearly rent or value of £14 6. 8., and to be parcel of the lands and possessions of the ancient Duchy of Lancaster. We have also given and granted, and by these presents for us our heirs and successors do give and grant to the aforementioned Edward Ditchfield, John Heighlord, Humfrey Clarke and Francis Mosse, their heirs and assigns, all and singular our farms, messuages, cottages, mills, houses, edifices, buildings, barns, stables, dovecots, gardens, orchards, garden grounds, tofts, cottages, curtilages, lands, tenements, ponds, fish-ponds, meadows, feedings, pastures, leasowes, commons, demesne lands, customary lands, glebe lands, assart lands, wastes, furzes, heaths, moors, marshes, ways, void grounds, paths, easements, woods, underwoods, forests, coppices, wood lands and trees whatsoever, and all the land, ground and soil of those woods, underwoods and trees, tithes of sheaves, blades, grain and hay, wool, flax, hemp and lambs, and all other tithes whatsoever, both great and small; also oblations, obventions, fruits, profits, comodities, streams, rivers, rivulets, waters, watercourses, fisharies, fishings, fowlings, huntings, free foldage, turbary, suits, soc, multures, free warrens, mines, quarries, pensions, portions, rents, revenues and services rents, charge rents, sock rents of assize and rents and services, both free and customary, tenants, works of tenants, yearly rents, increased rents, farms, fee farms, annuities, wardships, marriages, escheats, reliefs, aids, heriots, fines, amercements, certain rents, common fines, courts leet and courts for the view of frankpledge, the perquisites and profits of the Hundred Court and Leets and all things which belong or hereafter may or ought to belong to the Hundred Courts, the Courts Leet and views frankpledge; goods and chattels, waived goods and chattels of felons both of themselves and of other felons, fugitives, persons outlawed, attainted, condemned and put in exigent, estrays, deodands, bondmen, bondwomen and villeins with their offspring, estovers, markets and fairs, and the issues of fairs, Courts of Pie Poudre, stallage, tolls, tollage, customs, piccage, emoluments, immunities, acquittances, and hereditaments whatsoever, with all and singular their rights, members and appurtenances whatsoever, of whatever kind, nature or sort they be, or by whatever names they are known, esteemed, called, reputed or acknowledged, situate, lying and being, coming, growing, renewing, happening or arising, in or within the aforesaid Lordship, manor, township, places, fields, parishes or hamlets or in or within either or any of them, or elsewhere wheresoever, in any manner belonging, appertaining incident appendant or incumbent to the aforesaid castles, lordships, manors, messuages, lands, tenements and hereditament and other the premises before granted by these presents or mentioned to be granted, or to either or any of them, or to any part or parcel thereof, or as members, parts or parcels of the same castles, lordships, manors, messuages, lands tenements and hereditaments and of the other premises above mentioned to be granted by these presents, or of any or either of them at any time heretofore being had, known, accepted, occupied, demised, let or reputed; and also our reversion and reversions, remainder and remainders whatsoever of all and singular the aforesaid castles, lordships, manors, messuages, lands, tenements and hereditaments and of the other premises above granted by these presents or mentioned to be granted and of every parcel thereof dependent or expectant of in or upon any gift or gifts in fee tail, or any demise or grant or demises or grants for a term or terms of life, lives or years or otherwise of the premises before granted by these presents or mentioned to be granted or of any parcel thereof, being of record or not of record;

and also all and singular rents increased rents and yearly profits whatsoever reserved of in or upon any demise or grant, demises or grants of in or upon the premises mentioned to be granted by these presents or of in or upon any parcel thereof, being of record or not of record; and the rents and yearly profits of all and singular the same premises and of every parcel thereof. And further of our more ample special favour and certain knowledge and mere motion we will and by these presents for us our heirs and successors we grant to the aforesaid Edward Ditchfield, John Highlord, Humfrey Clarke and Francis Moss, their heirs and assigns, that they the aforesaid Edward Ditchfield etc their heirs and assigns may from henceforth for ever have hold and enjoy and may and shall be able to have hold and enjoy within the aforesaid castles, lordships, manors, messuages, lands, tenements and hereditaments and all and singular the other premises before granted by these presents and within every part or parcel thereof, so many so great such the some such like and similar courts leet, views of frankpledge, laiodays, assises and assay of bread, wine and beer, goods and chattels waived stray goods and chattels of felons and fugitives, of felons of themselves and persons put in exigent, outlawed and convicted and of other felons whatsoever, deodands, escheats, reliefs, heriots, free warrens, fowlings, huntings and all other rights, jurisdictions, franchises, liberties, privileges, customs, immunities, acquittances, profits, commodities, advantages, emoluments and hereditaments whatsoever as many as great such and as fully freely and entirely and in as ample manner and form as the aforesaid John Perrot Knight etc or any Abbot or Prior Abbess or Prioress of any late Monastery, Abbey, Priory or Hospital or any other person or persons at any time having possessing or being seised of the aforesaid castles, lordships, manors, messuages, lands, tenements and hereditaments and the other premises granted by these presents or mentioned to be granted or any part or parcel thereof, have at any time had held used or enjoyed or ought to have had held used or enjoyed in the premises before granted by these presents or mentioned to be granted or in any parcel thereof by reason or force of any Charter, gift, grant or conformation, or by reason of any letters patent heretofore had made granted or confirmed by us or any of our progenitors or ancestors late Kings and Queens of England, or by reason or force of any act or acts of Parliament, or by reason or force of any lawful prescription use or Custom heretofore had or used, or otherwise by whatsoever means right or title, and as fully freely and entirely and in as ample manner and form as we or any of our progenitors or ancestors late Kings and Queens of England had or enjoyed or ought to have had and enjoyed the premises before granted by these presents or any parcel thereof. Moreover we give and by these presents for us our heirs and successors we grant to the aforesaid Edward Ditchfield etc their heirs and assigns all and singular the aforesaid Lordships, manors, messuages, lands, tenements, and hereditaments and the other premises above granted by these presents or mentioned to be granted and every parcel thereof with all their rights members and appurtenances as fully freely and entirely and in as ample manner and form as all and singular the same premises or any parcel thereof came or ought to have come to our hands or to the hands of any of our progenitors or ancestors late Kings or Queens of England, or to the hands of any or either of them, by reason or force of any dissolution, suppression, surrender or release of any or either of the late monasteries, abbeyes or priories, or by reason of any Act or Acts of Parliament, or by reason of any exchange or purchase or of any surrender gift or grant, or by reason of any attainder or forfeiture, or by reason of escheat or by any other lawful means right or title whatsoever, and which now are or ought to be or might be in our hands. Except nevertheless always and there being wholly reserved out of this our present grant to us our heirs and successors, all and singular the forests and chases and all parks now used and stocked with deer, and all knights' fees wardships and marriages, and all advowsons, donations, free dispositions and rights of patronage

of all and singular the rectories, churches, vicarages, chapels and other ecclesiastical benefices whatsoever within the before granted premises or any parcel thereof, or in any way belonging appertaining incident appendant or incumbent on the premises or either or any of them; and also except all mines of gold and silver being or to be found within or upon the premises and all prerogatives belonging to the same mines; to have hold and enjoy to the aforesaid Edward Ditchfield etc their heirs and assigns all and singular the aforesaid castles, lordships, manors, messuages, lands, tenements, meadows, feedings, pastures, woods, underwoods, courtsleet, views of frankpledge, profits, commodities, liberties, pre-eminences, advantages, emoluments and hereditaments and all and singular the other premises before granted by these presents or mentioned to be granted with all their rights members and appurtenances (except what is before excepted) to the sole and proper use and behoof of them Edward Ditchfield etc their heirs and assigns in fee farm for ever to hold the aforesaid lordship or manor and the aforesaid town of Liverpool and all and singular the aforesaid manors, lands, tenements and hereditaments above granted in these presents and parcel of the aforesaid Duchy of Lancaster or mentioned to be annexed to the same Duchy with all their rights members and appurtenances, from us our heirs and successors as of our manor of Enfield in our County of Middlesex in fealty only in free and common socage and not in chief or by knights' service in fee farm for ever; and paying yearly to us our heirs and successors of and for the aforesaid lordship and town of Liverpool in the same county with the appurtenances £14 6s. 8d. of legal money of England to the hands of the Receiver General of us our heirs and successors of the aforesaid Duchy of Lancaster or of the particular receiver for the time being of the same premises to be paid yearly at the feasts of St. Michael the Archangel and of the Annunciation of the Blessed Virgin by even portions for ever for all other rents charges exactions and demands whatsoever to be therefore in any way rendered paid or done to us our heirs or successors, the first payment thereof to begin at the feast of St. Michael the Archangel next following after the date of these presents. And moreover for the aforesaid consideration of our more ample special grace and of our certain knowledge and mere motion we have given and granted and by these presents for us our heirs and successors do give and grant to the aforesaid Edward Ditchfield etc their executors and assigns all and singular the fines in any Court or Courts Baron held in or within the aforesaid lordship or manor above granted by these presents hitherto coming growing renewing arising due incurred or payable by reason of the admission of tenants by copy of court roll there for term of life or lives or of any estate of inheritance where the said fines are uncertain or arbitrary at the will of the lord from the third day of January last past before the date of these presents to hold to the same Edward Ditchfield etc their executors and assigns as of our gift, without account or any other thing to be in any way rendered paid or done therefore to us our heirs or successors. Wherefore we will and by these presents for us, our heirs and successors we order and command the Treasurer, Chancellor, Under-Treasurer and Barons of the Exchequer of us our heirs and successors and the Chancellor (?) and Council of the aforesaid Duchy of Lancaster for the time being and all and singular the receivers bailiffs and other officers and ministers whatsoever for the time being of us our heirs and successors of the said Exchequer and Duchy respectively, that if the said fines or any sums of money for or in respect of the said fines or sums of money last before granted or of any or either of them, due and payable to us since the said third day of January now last past and not before, have been answered and paid at the receipt of our Exchequer or to the hands of the bailiffs or receivers of the premisses, that then the same Treasurer, Chancellor, Under-Treasurer and Barons of the said Exchequer, and the aforesaid Chancellor and Council of the aforesaid Duchy of Lancaster and the said receivers bailiffs and other officers and ministers shall deliver

or cause to be delivered to the aforesaid Edward Ditchfield etc their executors and assigns all and singular such fines and sums of money so answered and paid to us at the receipt of our Exchequer or to the hands of the bailiffs or receivers of the premises after the said third day of January last past as is aforesaid. And these our letters patent or the enrolment thereof shall be sufficient warrant and discharge in that behalf both to the aforesaid Treasurer Chancellor and Barons of the said Exchequer and to the aforesaid Chancellor and Council of the said Duchy of Lancaster and to the aforesaid receivers bailiffs and other officers. We will also and of our more abundant special grace and of our certain knowledge and mere motion for the aforesaid consideration we grant for us our heirs and successors to the aforesaid Edward Ditchfield etc their heirs and assigns that neither they nor any of them, the heirs executors administrators and assigns of them or of any of them nor the castles, lordships, manors, rectories, messuages, lands, tenements or hereditaments above mentioned to be granted by these presents or any of them or any part or parcel thereof nor any other lordships manors lands tenements rents or hereditaments goods or chattels of the same Edward Ditchfield etc or of any of them or of their heirs or assigns or of any of them shall from henceforth be in any way impeached taken distrained seized or charged or in any way molested for any payment of any sum or sums of money or for any satisfaction or recompense to be in any way paid or made to us our heirs or successors for or in respect that the aforesaid castles, lordships, manors, rectories, messuages, lands, tenements or hereditaments and the other premises above granted by these presents or mentioned to be granted or any of them or any part or parcel thereof are or is at the time of the making of these our letters patent, or at any time heretofore have or hath been or can be pretended to be or have been of better or greater yearly value to us our progenitors or predecessors in annual rent or farm or in casual profits or otherwise than the same premises is or are mentioned certified or estimated in these letters patent or in the particular or rate thereof made by any auditor surveyor or other our officer whatsoever. And further we will and by these presents for us our heirs and successors we covenant and grant to and with the aforesaid Edward Ditchfield etc their heirs and successors, that if shall happen that the aforesaid annual rents above reserved by these presents or any or either of them shall be in arrear and unpaid in part or in whole after any of the feasts aforesaid on which they ought to be paid as aforesaid, nevertheless no writ of summons distress seizure or process shall be awarded or granted out of the Court of Exchequer aforesaid or out of the Court of the aforesaid Duchy of Lancaster against the aforesaid Edward Ditchfield etc their heirs or assigns or any other person or persons, or against their lands tenements and hereditaments, goods or chattels for the levying or recovery of the aforesaid rents so happening to be in arrear, as long as the premises before granted by these presents or any of them shall be respectively held under the aforesaid trust, but only against such the aforesaid lands, tenements and premises for which the yearly rents shall be in arrear and unpaid in manner aforesaid respectively. And therefore we order and command for us our heirs and successors the aforesaid Treasurer, Chancellor and Barons of the aforesaid Exchequer and the aforesaid Chancellor and Council of the aforesaid Duchy of Lancaster and all officers and ministers of the said Exchequer and of the said Duchy for the time being, that neither they nor any of them direct or cause to be directed any writ of distress, summons, seizure or process contrary to our will and pleasure above declared. And further for the better security of the aforesaid Edward Ditchfield etc, their heirs and successors in the premises, we do covenant and grant by these presents for us our heirs and successors to and with the said Edward Ditchfield etc their heirs and assigns, that all and all manner of fines and every fine by us levied or hereafter to be levied of the premises, and all other assurances whatsoever by us made or hereafter to be made of

the premises or of any of them, shall be, remain, be understood and reputed to be to the sole and proper use and behoof of them Edward Ditchfield etc their heirs and assigns for ever, and to no other use whatsoever. And that if and so often as any doubts or questions shall happen to arise concerning the validity of these, our letters patent or of the estate title and interest of the said Edward Ditchfield etc their heirs and assigns or of any or either of them of in and to the premises or any part thereof, that then and so often upon the humble petition of them or of any or either of them, being presented to us our heirs and successors and upon a notice and certificate being made to us our heirs or successors by the Attorney General for the time being of us our heirs or successors of the defect required to be amended, we our heirs and successors will graciously condescend to grant other letters patent to the same Edward Ditchfield etc their heirs and assigns with such and such kind of amendment amplification and additions as by the said Attorney General for the time being shall be advised and devised to be convenient in that behalf. And further of our more ample special grace and of our certain knowledge and mere motion, we will and by these presents for us our heirs and successors we grant to the aforementioned Edward Ditchfield etc their heirs and assigns that we our heirs and successors will henceforth for ever yearly and from time to time discharge acquit and save harmless both the aforementioned Edward Ditchfield etc their heirs and assigns and the aforementioned Castles, lordships, manors, rectories, messuages, lands, tenements and hereditaments and all and singular the other premises above granted by these presents or mentioned to be granted and every parcel thereof with all their appurtenances against us our heirs and successors of and from all and all manner of such corrodies, fees, rents, services, annuities, pensions, portions, sums of money and charges whatsoever in any manner issuing or payable out of the premises or of any parcel thereof to us our heirs or successors, and thereupon charged or to be charged against us our heirs and successors, except from the rents services tenures and other the premises above reserved in these presents to us our heirs and successors, and except from the demises and grants heretofore made of the premises or of any parcel thereof and the covenants and conditions being in the same and the covenants and charges which any farmer or farmers of the premises is or are bound to perform and discharge by reason of any their indentures and demises, and except from the covenants above made in these presents and to be done and performed by the aforementioned Edward Ditchfield etc. their heirs and assigns. Wherefore we will and by these presents for us our heirs and successors firmly enjoining do command both the Treasurer, Chancellor and Barons of the Exchequer for the time being of us our heirs and successors and the Chancellor and Council for the time being of the Duchy of Lancaster of us our heirs and successors and all and singular the auditors receivers and other officers and ministers whatsoever for the time being of us our heirs and successors, that they and every of them do upon the sole demonstration of these our letters patent or of the enrolment thereof without any other writ or warrant to be from us our heirs or successors in any manner sued or prosecuted make and from time to time cause to be made to the said Edward Ditchfield etc their heirs and assigns full entire and due allowance and manifest discharge from all and all manner of such corrodies, rents, fees, services, annuities, pensions, portions, sums of money and charges whatsoever (except from the aforesaid rents, services, tenures, covenants and the other premises above excepted or reserved in these presents and to be paid and performed as is aforesaid by the aforementioned Edward Ditchfield etc their heirs and successors. And these our letters patent shall be yearly and from time to time sufficient warrant and discharge in that behalf both to the said Treasurer, Chancellor and Barons of the Exchequer of us our heirs and successors and to the aforesaid Chancellor and Council of the Duchy of Lancaster of us our heirs and successors and to the aforesaid auditors receivers and other officers and

ministers whatsoever of us our heirs and successors. And further we will and by these presents for us our heirs and successors we grant to Edward Ditchfield etc their heirs and assigns that these our letters patent or the enrolment of them shall be in and by all things firm valid good and sufficient and effectual in law towards and against us our heirs and successors both in all our Courts as elsewhere within our Kingdom of England without any confirmations licenses or tolerations to be procured or obtained from us our heirs and successors. And that the aforesaid Edward Ditchfield etc their heirs and assigns may from henceforth for ever be able to have and hold all and singular the premises with the appurtenances, and to have and hold the same upon trust and for the use of the aforesaid Mayor and Commonalty and Citizens of the aforesaid City and their successors. And the aforesaid Mayor and Commonalty and Citizens of the City of London and their successors may have and receive the benefit thereof notwithstanding the misnaming or not naming misreciting or not reciting the aforesaid castles, lordships, manors rectories, messuages, lands, tenements and hereditaments and the other premises above granted by these presents or mentioned to be granted, or any part or parcel thereof. And notwithstanding the not finding or misfinding of any office or offices inquisition or inquisitions of the premises or of any parcel thereof by which our title ought to have been found before the making of these presents. And notwithstanding any defect or defects in not reciting or misreciting any demise or grant demises or grants gift or gifts heretofore made of or concerning the premises or of or concerning any part or parcel thereof or concerning any profit thereof, being of record or not of record. And notwithstanding the misnaming or not rightly naming of any city, town, hamlet, place, parish or county in which the premises or any parcel thereof are or is. And notwithstanding any defect or defects in misnaming or not naming any tenant, farmer or occupier of the premises or of any parcel thereof. And notwithstanding any variation discrepancy or difference in any thing matter name or form between these our letters patent and any particular certificate or survey heretofore made of the premises or of any parcel thereof, or between these our letters patent and any other letters patent heretofore made of the premises or of any parcel thereof, and between these our letters patent and any record or records, account or accounts touching or concerning in any way the aforesaid premises or any parcel thereof. And notwithstanding any defect or defects in not mentioning the true yearly value of the premises or of any parcel thereof or the true yearly rent reserved of in or upon the premises or any parcel thereof specified in any particular survey or account heretofore made or hereafter to be made of the premises or either or any of them. And notwithstanding that the same premises or any profit thereof were at any time of better or greater yearly value than is specified in these our letters patent or in any particular of the premises. And notwithstanding that mention is not made or that true and certain mention is not made in these letters patent of the estate or title of us or of any of our progenitors to hold the said premises or any part thereof, or of the manner or means by which the same premises or any parcel thereof came to our hands or to the hands of any of our progenitors. And notwithstanding the statute made and enacted in the Parliament of the lord Henry the sixth late King of England our ancestor in the eighteenth year of his reign. And notwithstanding the statute made and enacted in the Parliament of the lord Henry the fourth late King of England in the first year of his reign. And notwithstanding any other defects in not naming or not rightly naming the natures, kinds, sorts, quantities or qualities of the premises or of any parcel thereof or any person or persons who heretofore was or were seized of the premises or of any of them or any estate tail or any estate heretofore made to us or to any of our progenitors or ancestors or any indenture or annexation by our late most dear father of blessed memory or any other of our progenitors or ancestors late Kings or Queens of

England, or any covenant agreement or grant concerning the same or any parcel thereof in any wise notwithstanding. We will also and by these presents grant to the aforementioned Edward Ditchfield etc their heirs and assigns that they may and shall have these our letters patent duly made and sealed both under our great seal of England and the seal of our Duchy of Lancaster and the seal of the County Palatine of Lancaster without fine in the hanaper etc. So that express mention etc In witness whereof etc Witness at Canbury on the ninth day of September in the fourth year of our reign by the King himself.

52. SALE BY EDWARD DITCHFIELD ETC. TO LORD MOLYNEUX OF THE LORDSHIP.

4 Dec., 1635.

The original which is in the Croxteth Muniment Room [Liverpool, Box 10, Bundle R, No. 6], is written in a very good clear hand on one large sheet of parchment, which is however very badly torn. The document is consequently indecipherable, but sufficient is legible to show that *mutatis mutandis*, it is practically the same as the previous document. Fortunately the beginning of the document is legible; there are two seals attached, and a third is missing. On this sale, see *Introduction*, 95.

HEC INDENTURA facta Quarto die Decembris Anno domini 1635 Annoque regni domini nostri Caroli dei gratia Anglie Scotie francie et Hibernie Regis fidei defensoris etc Vndecimo, Inter Edwardum Dichfeild Ciuem et Salinarium Londoniarum Johannem Highlord Ciuem et Aldermannum Londoniarum Humfridum Clarke Ciuem et Tinctorem Londoniarum et franciscum Mosse Ciuem et Scriptorem Londoniarum ex una parte, et prenobilem Richardum dominum Molineux Vicecomitem Mariburgie. . . .

The indenture proceeds to transfer to Lord Molyneux for a sum of £450 all the rights in the town of Liverpool which Charles I had sold to the Mayor and Citizens of London, subject to a fixed yearly payment—the old fee farm rent—of £14 6s. 8d. to the Crown.

53. LORD MOLYNEUX'S FEE FARM LEASE TO THE CORPORATION. ARTICLES OF AGREEMENT.

6 Oct., 1671.

The original which is in the Croxteth Muniment Room [Liverpool, Box 10, Bundle R 5, No. 1] is written on two sheets of parchment in a clear easy hand; the parchment is only very slightly torn. There should be two seals, but one is wanting, and the other in red wax, is badly broken. There is another copy of these Articles of Agreement, similar except for slight differences of spelling [Liverpool, Box 10, Bundle R 5, No. 2] dated Oct. 11th, but not signed. See *Introduction* 100.

ARTICLES of Agreement Indented, made, Concluded, and agreed vpon, by and betweene Thomas Johnson present Majo^r of the Burrough and Corporac'on of Liverpoole in the County of Lancaster, and Thomas Bickesteth Alderman of the same Towne and Burrow, vpon the part and behalfe of the said Corporac'on of Liverpoole, on the one part, And Nicholas ffazakerley, and John Tatlocke, Gentlemen, on the part and behalfe of Caryl Lord Viscount Molyneux, and his heires vpon the other part, the Sixth day of October, in the Three and Twentieth yeare of the Raigne of our Sou'aigne Lord Charles the Second, by the grace of God King of England ec' Annoque Dni 1671 in manner followinge viz^t
IMPRIMIS ITT is Covenanted, Concluded, and agreed And the said Nicholas

ffazakerley and John Tatlocke, ffor themselves their Exec^{rs} and adm'istrato^{rs} doe Covenant, grant, and agree, to and with the said Thomas Johnson and Thomas Bickesteth, That the said Caryl Lord Viscount Molyneux, and Richard Molyneux Esquire, sonne and heire apparent to the said Caryl Lord Viscount Molyneux, and the said John Tatlocke partie to these presents, shall (att or before the ffive and twentieth day of March next cominge after the day of the date hereof) by good and sufficient Conveyance, and assurance (as Counsell learned in the law shall advise) Grant Convey and assure vnto the Majo^r Baylives, and Burgesses, of Liverpoole aforesaid, and their Successo^{rs}, or to such other person or persons and their heires, and assignes, on behalf of the said Majo^r Baylives and Burgesses, as they shall appoint, ALL the Estate, Right, tytle, interest, Clayme, and demand, whatsoever, which they the said Caryl Lord Molyneux, Richard his sonne, their heires, or assignes, or any other p'son or p'sons, doe, shall, or may, have Clayme, or demand, within, out of, or from, the said Towne & Burrow of Liverpoole, and the liberties thereof, By vertue of A Certen Grant, or assignement, bearing date in the Eleventh yeare of the Raigne of our most gracious Sou'aigne Lord Charles the first of ever blessed memory And made Betweene Edward Ditchfield, John Highlord, Humphrey Clarke, and ffancis Mosse, Cittizens of London vpon the one part, And S^r Thomas Walmsley Knight William ffazakerley and John Nutter of the other part to Hould the same premisses, and every part thereof, with their appurten^{ances}, vnto the said Majo^r Baylives, and Burgesses, and their Successo^{rs} from, and ymediately after the day of the date of these presents, for and during the terme of one thousand yeares, thence next followinge Except and allwayes Reserved unto the said Caryl Lord Molyneux and his heires out of such grant, or Conveyance, the fferry boats, and passage, over the Water or River of Mersey, and the Burgage Rents, in Liverpoole aforesaid.

Also Itt is Covenanted, Concluded, and agreed and the said Thomas Johnson and Thomas Bickesteth, ffor themselves their Exec^{rs} and adm'istrato^{rs} doe Covenant, grant, and agree, to and with the said Nicholas ffazakerley and John Tatlocke, That the Majo^r, Baylives, and Burgesses, of the said Burrow and Corporac'on of Liverpoole, and their successo^{rs} ffor and in Considerac'on of the premisses, shall yearely pay or cause to be paid, vnto the said Caryl Lord Viscount Molyneux, and his heires, att the ffest of St. Michell Th'archangell, duringe the said terme of one thousand yeares, the yearely sume of Thirty pounds of lawfull English money The first payment whereof, to beginne att the ffest of St. Michell Th'archangell, next cominge after the day of the date hereof.

Also Itt is Agreed, That the Majo^r, Baylives, and Burgesses, of the said Burrow and Corporac'on of Liverpoole, and their successo^{rs} shall and will by good and sufficient grant vnder the Comon seale of the said Corporac'on, permit and suffer the said Caryl Lord Viscount Molyneux and his heires to erect, and build, or cause to be built, A Bridge on Liverpoole Heath, over the Poole, to the New treet in Castle hey soe vsually called; and to vphold the same during the terme aforesaid; Hee the said Caryl Lord Viscount Molyneux and his heires payinge to the said Majo^r Baylives, and Burgesses, of the said Corporac'on of Liw'poole, and their successo^{rs} the yearely Rent or sume of Two pence lawfull

English money, att the ffeast of St. michel th'archangel yearely, during the said terme of one thousand yeares, The first payment thereof to beginne att the ffeast of St. michell th'archangell next cominge after the day of the date of these presents, Hee the said Caryl Lord Viscount Molyneux, and his heires, att theire owne p'per Charges, Repayringe and vpholdinge, the said Bridge, with sufficient Reparac'ons, during all the terme aforesd.

Also Itt is agreed, That the said Caryl Lord Viscount Molyneux and his heires, and all his tennants, within the said Burrow and Corporac'on of Liverpoole, shall, or may have and enjoy, free liberty during the terme aforesd to gett stone, Clay, slate, soyle, or marle, for makinge of Bricks, or vse any other priviledges, and p'fitts, vpon Liverpoole heath, In such sort and manner, to all intents, and purposes, as any freeman or Burges of the said Corporac'on, may or ought to have or enjoy, without the lawfull lett, hinderance, or Interrupc'on, of the said Majo^r Baylives and Burgesses, and their successo^{rs} or any p'son or p'sons by from or und^r them.

Also¹ Itt is agreed, by and betweene all the said parties to these presents, That neither the said Caryl Lord Viscount Molyneux, nor his heires nor the said John Tatlocke, nor his heires, nor any other p'son or p'sons, by, from, for, or vnder them, or any of them, shall or may, att any time, during the said terme of one thousand yeares, Exact, Require, demand, or receive, any Duty, Custome, or Toll, within or about the said Street in the Castle hey from any p'son or p'sons whatsoever, But that the vsual Tolles, Customes, & dutyes, shall be paid, within and about that Street as in other parts of the said Towne of Liverpoole, to the vse of the said Corporac'on, duringe the terme aforesaid, And that the same Street shall be and continue A free and open street for all p'sons whatsoever, att all times during the said terme After the same Bridge is finished, and the same street paved and fitt for passage.

Also Itt is agreed, That all obstrucc'ons, by the said Corporac'on of Liverpoole, and the Agents for the same, (Concerning the opposinge or hindringe the said Caryl Lord Viscount Molyneux, or his agents from purchasing the Burgage Rents of the said Towne of Liverpoole shall be removed, and withdrawne, And that the said Majo^r Baylives, & Burgesses, or some of them shall fully satisfy and shew vnto his Majesties Attorney Generall theire^r Consente, & freedome, that the said Lord Molyneux shall or may, goe on and p'ceed to p'fect his Purchae of the same Rent.

Also Itt is Agreed, that All suites dependinge either att law, or in equity, Betweene the said Caryl Lord Viscount Molyneux, and the said Corporac'on of Liverpoole, or members thereof, wherein the tytle, or right, of the said Corporac'on is in Question, shall henceforth Cease, and be withdrawne, Either p'tie & p'ties satisfyinge and bearinge theire owne Charges in Suite.

Also Itt is agreed, That the said Thomas Johnson now Majo^r, Thomas Andoe, and Henry Corles Aldermen of the said Towne of Liverpoole shall (on Receipt of all their goods, heretofore distreyned and Carryed away, by or thorow the order and appointment of Nicholas ffazakerley, and John Tatlocke, parties

1. The second sheet of the original begins with this word.

to these presents, Thomas Bootle, the younger, John Hartley, Thomas Webster, William ffazakerley, John Prescott, and Christopher Culcheth) seale and execute sufficient Releases, of all Acc'ons, trespasses, and quarrells, unto them the said Nicholas ffazakerley, John Tatlocke, Thomas Bootle, John Hartley, Thomas Webster, William ffazakerley, John Prescott, and Christopher Culcheth. They sealing and Executing the like Releases, vnto the said Thomas Johnson, Thomas Andoe, and Henry Corles, if Required by them.

Also It is agreed That all Rents and arrerages of Rent due by the sd Corporac'on to the s'd Caryl Lord Molyneux at the tyme of the sealinge & deliu'y hereof or att any time before are remitted and cleared.

LASTLY Itt is Agreed, By and betweene, All the said parties to these presents, That All, and eu'y the matters and things Conteyned in these Articles, shall be established, and settled, As Counsell learned in the law (Indifferently to be Elected by the said p'ties) shall advise, And also That these present Articles, And the Agreements in the same menc'oned, and expressed, shall be lawfully Confirmed, by the said Caryl Lord Viscount Molyneux, and Richard his sonne, And by the Majo'r Baylives and Burgesses of Liverpoole, vnd' the Comon Seale of the said Corporac'on In wittnes whereof the p'ties aforesaid to these present Indented Articles of Agreement have Interchangeably sett their hands & seales the day & year first above written.

[signed] THO JOHNSON MAIOR

THOMAS BICKESTETH.

54. DO. ARTICLES OF AGREEMENT.

20 Mar., 1672

The original which is in the Croxteth Muniment Room [Liverpool, Box 10, Bundle R 5, No. 3] is written in a good clear hand on one sheet of parchment which is a little torn. The ink is rather brown. There is one seal attached, very badly broken. It is similar to the Articles of 1671, except for the opening paragraph, and slight differences of spelling.

ARTICLES of Agreement Indented, made, Concluded, and agreed vpon the Twentieth day of March In the fflower & Twentieth yeare of the Raigne of our Sovereigne Lord Charles the second By the Grace of God of England, Scotland, ffraunce and Ireland Kinge, defender of the ffaith etc. Annoqz dni 1671 BETWEENE the Right Hono^{ble} Caryll Lord viscount Molyneux Richard Molyneux Esquier sonne and heire apparente to the said Caryll Lord viscounte Molyneux and John Tatlocke of Cunsough in the County of Lancaster Gentleman, vpon the one pte And the Worshippfull Lawrence Brownlow Merchante Maior of the Towne Corporate and Burrow of Liverpoole, in the said County of Lancaster Henry Higginson and Joseph Pryor Gentⁿ Bayliffs and the Burgesses of the same Burrow vppon the other partt in manner and fforme as ffolloweth, viz'

55. LORD MOLYNEUX'S FEE FARM LEASE TO
THE CORPORATION.

27 May, 1672.

The original which is in the Croxteth Muniment Room [Liverpool, Box 13, Bundle R 5, No. A] is written in a good clear hand on two sheets of parchment which are slightly discoloured and torn.

THIS INDENTURE TRIPARTITE made the seaven and Twentieth day of May in the four and Twentieth yeare of the Raigne of ou^r most gracious soveraigne Lord Charles the second by the grace of god of England Scotland ffraunce and Ireland King, defender of the faith etc. BETWEENE the Right Ho^{ble} S^r Caryll Mollyneux Barronett Lord Viscount Mollyneux of Maribrough and John Tatlocke of Cuns-cough in the County of Lancaster Gent of the first part, And the Mayo^r Baylives and Burgesses of the Towne Corporate and Burrough of Liverpoole in the said County of Lancaster of the second part, And Laurence Brownloe of Liverpoole aforesaid Alderman, Thomas Andoe of Liverpoole aforesaid Alderman, Henry Corles of Liverpoole aforesaid Alderman, John Chandler of Liverpoole aforesaid Alderman, Peter Lurting of Liverpoole aforesaid Alderman, John Sturzaker of Liverpoole aforesaid Alderman, Thomas Bickesteth of Liverpoole aforesaid Alderman, Thomas Johnson of Liverpoole aforesaid Alderman, James Jerrom of Liverpoole aforesaid Merchant, Silvester Richmond of Liverpoole aforesaid gent Robert Secome of Liverpoole aforesaid gent, Robert Williamson of Liverpoole aforesaid Mariner and Edward Tarleton of Liverpoole aforesaid Mariner of the third part. WITNESSETH That whereas Edward Dichfeild Cittizen and Salter of London, John Highlord Cittizen and Alderman of London, Humfrey Clarke Cittizen and Dyer of London, and Francis Mosse Cittizen and Scrivener of London, by vertue of Certaine Letters Patents made and Granted vnto them by our late Soveraigne Lord King Charles the first sealed with the great seale of England and wth the seale of the Dutchy of Lancaster and County Palatine of Lancaster, bearing date the Nyneth day of September in the fourth yeare of his Raigne, were Lawfully seised in their Demesne as of fee as Trustees for and on the behalfe of the Majo^r and Cominalty of London aforesaid of the Towne and Lordship of Liverpoole aforesaid, wth was granted to them by the name of the Towne and Lordship of Litherpoole parcell of the Hono^r of Lancaster and of and in diverse Messuages, lands, tenements, ff ranchises, Libertyes, Jurisdiccons, Immunityes, and other hereditaments thereby granted to them; And being thereof soe seised they the said Edward Dichfeild, John Highlord, Humfrey Clarke, and ff rancis Mosse, being authorised therevnto by an Acte or Actes of Comon Councell wthin the City of London, by their Indenture of Bargayne and Sale inrolled in the high Court of Chancery beareing date the fourth day of december in the Eleaventh yeare of the Raigne of ou^r said late soveraigne Lord King Charles the first and made Betweene the said Edward Dichfeild John Highlord Humfrey Clarke, and ff rancis Mosse of the one part, And the Right ho^{ble} Richard Lord Molyneux Viscount Maribrough, S^r Thomas Walmesley of Dunkenhalth in the said County of Lancaster Knight, William Fazakerley of Kirkby in the said County of Lancaster gent, and John Nutter of Pendle in the said County of Lancaster gent, of the

other part. Did for the severall valuable Consideracons therein expressed Grant Bargayne and sell to the said S^r Thomas Walmsley, William Fazakerley and John Nutter and their heires in Trust onely and for the vse and benefitt of the said Richard Lord Viscount Molineux and his heires, All and every the premisses granted as aforesaid by the said Letters Patents by such names and descripcons of the significacon or to the effect as herein after are particularly mencioned, That is to say, All that towne or Lordship of Litherpoole Parcell of the Hono^r of Lancaster in the County of Lancaster wth their rights, members and appurtenances, And all that Battelage and Passage over the Water of Mersey there, and the flesh shambles in the said Towne of Litherpoole, And alsoe all the Stallage and Toll of the Markett and faires wth the Perquisitts of Courts in Litherpoole aforesaid and all Customes Anchorage and Key Tolle of the water of Mersey aforesaid and wth in the said Towne or Lordship of Litherpoole aforesaid then or late in the Tenure or occupac'on of S^r Richard Molineux Knight or his assignes by a particular thereof menc'oed to bee of the yearely rent or value of fourteen pownds six Shillings Eight pence and to bee parcell of the Auncient lands and possessions of the Dutchy of Lancaster, And all and singular farmes Messuages Cottages Milles houses Edifices Structures Barnes Stables Dovehowses Orchards Gardens Tofts Curtelages lands tenements Ponds Pooles Meadows Feedings Pastures Leasowes Comons Demesne lands Customary lands Gleb lands assert lands wasts Heaths Brueryes Moores Marshes wayes void places paths easements woods vnderwoods saleable woods wood lands and trees whatsoever and all the lands and soile of the same woods vnderwoods and trees tithes of Corne graine and hey of wooll linseed and lambs and all other tythes whatsoever great and small, alsoe oblac'ons obven'oes fruits profitts Comodityes gulfes bankes rivers waters water Courses Piscaries fishings fowlings huntings free foldage turbary suit soke multure free warren Mines Quarryes Penc'ons Porc'ons Rents Revers'ons and services rents Charge rents sock Rents of assize and rents and services as well of free as Customary Tennants workes of Tenants yearely rents increases of rents farmes fee farmes Annuityes wards marriages Escheats Releifes heriotts fines Amerciaments Certaine rents Com'on fines Courts Leet and view of Frankpledge hundred Courts perquisitts and profitts of Courts and Leets and all things w^{ch} to the hundred Courts Courts Leet and view of Frenkpledge doe belong or might or ought to belong goods and Chattells waived goods and Chattells of fellows as well of themselves as of other fellows of fugitives, out Lawes persons attaint Condemned and in exigend put, estrayes deodands Villaines wth their sequele estovers and Commons of Estovers faires and Marketts and the issues of Courts of Pipowders Stallage Toll Customes Piccage emoluments immunityes acquitalls and hereditaments whatsoever wth all and singular their rights members and appurtenances of whatsoever nature or kind or by whatsoever names they bee called reputed or knowne scituate Lying and being growing renewing or happening in or wth in the Lordship towne places feilds Parish or Hamlett aforesaid or any of them or elswhere wheresoever to the said Towne and Lordship lands Tenements and hereditaments and other the premisses therein menc'oed to bee granted or to any of them or any part thereof in any wise belonging app'taining incident append' or incumbent or as member part or parcell of the same towne Lordship lands tenements and here-

ditaments and other the premisses therein menc'oed to bee granted or of any of them at any time before being had knowne accepted occupied demised Lett or reputed, And the Revert'on and Revert'ons Remainder and Remainders whatsoever of all and singular the said Towne Lordship lands Tenements & hereditam^{ts} and of all other the premisses therein Granted or menc'oed to bee granted and of every part thereof depend^t or expectant vpon any gift or gifts in fee taylor or any demise or demises grant or grants for tearme or tearmes of life, lives or yeares or otherwise of the premisses thereby menc'oed to bee granted or any part thereof of Record or not of Record and all rents increases of rents and yearly profitts whatsoever reserved vpon any demise or demises grant or grants of the premisses or any part thereof and the rents and yearly profitts of all and singular the premisses and of every part thereof as fully as the said premisses were granted by the said L^{res} Patents to the said Edward Dichfeild, John Highlord Humfrey Clarke and Francis Mosse and their heires excepting all forests Chases Parkes wth deer therein Knights fees wards Marriages advowsons mines of gold and silver as in the said L^{res} Patents are excepted vnder the yearly rent of fourteen pownds Six Shillings and Eight pence payable to ou^r soveraigne Lord the King and his Successors as by the same recited Indenture amongst other things therein more att large app^{eth} ; AND whereas the said S^r Thomas Walmesley William Fazakerley and John Nutter the sayd Trustees of the said Richard Lord Viscount Molyneux are all dead of whome the said John Nutter was the survivo^r who dyed wth out issue and Robert Nutter brother & heire of the sayd John Nutter is likewise dead haveing had noe other issue butt daughters, That is to say, Elizabeth, Eleno^r and Margaret of whome the said Eleno^r is dead haveing issue one Richard Crombocke of Clark Hill in Whalley her sonne and heire and the said Margaret is alsoe dead haveing issue Henry Robinson of Chatburme her sonn and heire ; AND whereas the said Elizabeth by the name of Elizabeth Moore of Greenhead in the said County of Lancaster widdow, the said Richard Crombocke and Henry Robinson as Coheires of the said Robert Nutter brother and heire of the said John Nutter by their Indenture of Bargayne and sale for a yeare and grant or Release of the Revert'on the former beareing date the fourteenth day of September in the Twelveth yeare of the Raigne of ou^r said soveraigne Lord King Charles the second and the other beareing date the fifteenth day of September in the same yeare did by the appointm^t and Consent of the sayd Caryll Lord Viscount Molyneux in Trust for whome they were seised after the decease of the Sayd Richard Lord Viscount Mollineux did thereby Convay and assure All and singular the premisses above menc'oed to bee Granted as aforesaid vnto the said S^r Thomas Walmesley William Fazakerley and John Nutter wth their appurtennc^s vnto Raph Mercer then sonne and heire app^{ant} of Robert Mercer of Edgelane in the said County of Lancaster Gent the said John Tatlocke and Thomas Bolton of Kirkdale in the sayd County of Lancaster gent and their heires in Trust for the said Caryll Lord Viscount Molyneux and his heires of whome the said Raph Mercer and Thomas Bolton are dead and the said John Tatlocke hath them survived. AND^r whereas diverse variences suits Controversyes and debates have of late bin

1. With this word the second sheet of the original begins.

betweene the sayd Caryll Lord Viscount Molyneux wth others or others on his behalfe, and the sayd Mayo^r Bailives and Burgesses of the said Towne and Burrough of Liverpoole in the sayd County of Lancaster or others on their behalfe, Concerning severall claymes and demands by the sayd Caryll Lord Viscount Molyneux or others wthin out of or from the said towne or Burrough of Liverpoole or neer the same, w^{ch} differences have bin since Composed and an Agreement therevpon Comprised in Certaine Articles Indented beareing date the Twentieth day of March in the Twenty fourth yeare of the Raigne of ou^r said soveraigne Lord King Charles the second and made or recited to bee made Between the sayd Caryll Lord Viscount Molyneux Richard Molyneux Esq^r who is since deceased and John Tatlocke vpon the one part, And Lawrence Brownloe then Maio^r of the sayd Towne and Burrough of Liverpoole Henry Higginson and Joseph Pryor then Bailives and the Burgesses of the same Burrough of the other part; now in performance of the said agreement and in Pursuance of the said Articles on the part of the said Caryll Lord Viscount Molineux and John Tatlocke to bee performed they the sayd Caryll Lord Viscount Molyneux and John Tatlocke as well for and in Considerac'on of the sume of five shillings of Lawfull money of England to them in hand att and before the Sealeing and delivery of these p'sents by the said Lawrence Brownloe Thomas Andoe, Henry Corles, John Chandler, Peter Lurting, John Sturzaker, Thomas Bicksteth, Thomas Johnson, James Jerrom, Silvester Richmond, Robert Secome, Robert Williamson, and Edward Tarleton well and truely paid, the receipt whereof the said Caryll Lord Viscount Molyneux and John Tatlocke doe hereby acknowledge as for and in Considerac'on of the yearely rent of Thirty Pounds hereby after reserved and for diverse other good causes and Considerac'ons them therevnto moveing HAVE Granted demised Bargayned sold sett and to farme Lett and by these presents doe grant demise bargainne sell sett and to farme Lett vnto the said Lawrence Brownloe Tho Andoe, Henry Corles, John Chandler, Peter Lurting, John Sturzaker, Thomas Bicksteth, Thomas Johnson, James Jerrom, Silvester Richmond, Robert Secome, Robert Williamson and Edward Tarleton their Executo^{rs} adm'rato^{rs} and assignes ALL that or those the Towne and Lordship of Liverpoole otherwise called Litherpoole parcell of the possessions of the Dutchy of Lancaster or of the Hono^r of Lancaster in the said County of Lancaster wth all and singular their rights members and appurt'n'ncs And all the flesh shambles wthin the said Towne of Liverpoole And alsoe all the Stallage and Toll of the severall Marketts and faires there from tyme to tyme held and to bee held, And all and every the p'quisitts and Profitts of the severall Courts there from tyme to tyme held and to bee held, And all the Customes, Anchorages and Keytolls of the River or water of Mersey there and wthin the sayd Towne or Lordship of Liverpoole otherwise called Litherpoole aforesaid And all and singular other the Royalties franchises immunityes Priviledges, Jurisdictions Libertyes Hereditaments Trusts Claymes and demands whatsoever of them the said Caryll Lord Viscount Molyneux and John Tatlocke and of every of them wthin out of or from the sayd towne or Burrough of Liverpoole or the Libertyes thereof or elsewhere and all other things whatsoever whether those above particularly menc'oed or what are not menc'oed w^{ch} they or any of them clayme by vertue or force or

vnder the sayd Indenture of Bargayne and sale inrolled as aforesaid beareing date the fourth day of December in the Eleaventh yeare of the Raigne of ou^r late Sovereigne Lord Kinge Charles the first and made betweene the said Edward Ditchfeild, John Highlord, Humfrey Clarke and Francis Mosse Cittizens of London of the one part, And the sayd Richard Lord Viscount Molyneux S Thomas Walmsley Knight, William Fazakerley and John Nutter of the other part or otherwise howsoever By vertue of the said Letters Pattents or any Grant vnder the same¹ (the Ferry boats Battellage and Passage over the said water or River of Mersey and all and every the Burgage Rents wthin the said Towne and Burrough of Liverpoole out of this present grant or demise onely excepted and foreprized) To HAVE AND TO HOLD the said Towne and Lordship of Liverpoole otherwise called Litherpoole and all and singular other the premisses above menc'oed to bee hereby granted or demised (except before excepted) with their and every of their rights members and appurten'nces vnto the said Lawrence Brownloe, Thomas Andoe, Henry Corles, John Chandler, Peter Lurting, John Sturzaker, Thomas Bicksteth, Thomas Johnson, James Ferrom, Silvester Richmond, Robert Secome, Robert Williamson and Edward Tarleton their Executo^{rs} adm'rato^{rs} and assignes from the day next before the date of these presents for and dureing the full tearme of one Thousand yeares from thence next issueing and fully to bee Compleat and ended; YEILDING and paying therefore yearely dureing the said Tearme vnto the sayd John Tatlocke his heires and assignes onely in Trust for the said Caryll Lord Viscount Molyneux his heires and assigns the yearely rent of Thirty pownds of Lawfull money of England att the feast of S^t Michaell the Archangell every yeare w^{ch} said demise or grant hereby made vnder the yearely rent aforesaid is nevertheles made and by all the Partyes herevnto hereby declared to bee upon trust and Confidence and to the onely vse and behoofe of the Majo^r Bailives and Burgesses of the said Towne and Burrough of Liverpoole aforesaid and their successo^{rs} and to the intent and purpose that they from tyme to tyme dureing the said Tearme shall have the full benefitt of the said demise, and not onely take and receive all the issues and profitts of the premisses hereby demised, but alsoe from tyme to tyme shall have full power to dispose of all and every the premisses to whome and for such Tearme and Tearmes as they the sayd Majo^r Bailives and Burgesses from tyme to tyme vnder their Common seale Shall Limitt and appoint (All reasonable expences Concerning the execuc'on of the said Trustt ogeather wth the said yearely rent out of the Profitts of the premisses being deducted and allowed) AND the sayd Caryll Lord Viscount Molineux and John Tatlocke for themselves severally and respectively and for their severall and respective heires Executo^{rs} adm'rato^{rs} and assignes have not onely Remised Released and quitt Claymed and hereby doe Remise Release and quitt Clayme vnto the sayd Majo^r Bailives and Burgesses all former rents and arrearages thereof due or supposed to bee due by them or any of them vnto the said Caryll Lord Viscount Molyneux and John Tatlocke or either of them or to any in trust for them or either of them, but alsoe doe Covenant grant and agree to and wth the said Majo^r Bailives and Burgesses by these Presents That the said Majo^r bailives and Burgesses or their said Trustees their Executo^{rs} adm'rato^{rs} and assignes

1. These words from *By vertue of* are inserted in the original above the line in a different hand.

to the vse and behoofe of the said Majo^r Bailives and Burgesses and every of them shall and may from tyme to tyme and att all tymes hereafter for and dureing the tearme aforesaid peaceably and quietly have hold vse possesse and injoye all and every the above granted premisses (except before excepted) wth their and every of their appurten'nces w^{thout} the Lett suit deniall interrupc'on evicc'on or disturbance of the said Caryll Lord Viscount Molyneux and John Tatlocke or of either of them or of any other person or persons whatsoever Lawfully claymeing by from or vnder them or either of them or in trust for them or either of them freely and clearely discharged or otherwise well and sufficiently saved and kept harmelesse from all other grants Leases Charges Rents Arrerages of rents and incumbrances whatsoever had made Committed or done by them or either of them, or any other person or p'sons whatsoever Lawfully claymeing by from or vnder them or either of them or any in trust for them or either of them and Likewise from the said Rent of fourteen pownds six shillings Eight pence and all arreares thereof payable to his Majesty and all other charges troubles and damages whatsoever for or by reason of any thing Contained in the said L^res Patents, and not granted by these Presents; AND that they the said Caryll Lord Viscount Molyneux and John Tatlocke and each of them and their and each of their heires and assignes and all and every person and persons Lawfully Claymeing by from or vnder them or any of them or in trust for them or any of them shall and will from time to tyme & att all tymes hereafter wthin the space of Tenn yeares now next insuing vpon the reasonable request of any person or persons sufficiently authorized therevnto by the said Majo^r Bailives and Burgesses or by the said Trustees Party to these Presents or the Majo^r part of them by and att the Costs and Charges in the Law of the said Majo^r Bailives and Burgesses make doe or suffer or cause to bee made done or suffered All and every such further Lawfull and reasonable Acte and Acts thing and things assurances and Conveyances in the Law whatsoever, for the further Convaying of the premisses (except before excepted) wth their appurt'n'nces vnto the said Majo^r Bailives and Burgesses or to any other p'son or persons in trust for them for the same tearme then remaining to bee expired vnder the rents and Covenants aforesaid, Bee the same by matter of Record or deed as by the said Majo^r Bailives and Burgesses or any other person or persons Lawfully Authorized therevnto by them or by their Councell Learned in the Law shall bee reasonably devised or advised and required; IN WITTNES whereof the Parties aforesaid to these presents Interchangeably have putt their hands and seales the day and yeare first above written Anoqz Dni 1672.

(Signed) Law Brownlowes (part of seal remaining)
 T.A. Thomas Andoe his m^t (seal missing)
 Henry Corles (" ")
 John Chandler (seal almost perfect)
 Peter Lurting (" " ")
 John Sturzaker (" broken)
 Thomas Bicksteth (" ")
 Thomas Johnson (" ")
 Sil Richmond (seal almost perfect)
 Rob: Seacome (" " ")
 Robert Williamson (" " ")
 Edw Tarleton (" wanting)

(Endorsed) Sealed and Delivered, (wth theis words By vertue of the said Letters Pattents or any graunt vnder the same, entirly and in the wthin written Indenture Before the seallinge and delivery) By all the p'ties (James Jerrom excepted) in the p'sence of

(signed) Nicholas ffazakerley
Isaac Aspinw^{ll}
Thomas Gee
Thomas Clerke
John Radcliffe
Sam ffazakerley

56. LORD MOLYNEUX'S FEE FARM LEASE TO
THE CORPORATION

17 Oct., 1700

The original which is in the Croxteth Muniment Room [Liverpool, Box 10, Bundle R 5, No. 6] is written on one sheet of parchment, which is discoloured in places and badly torn, in a good clear hand. There should be one seal, but it is missing.

THIS INDENTURE Tripartite made the Seventeenth day of October in the Twelfth yeare of the Raigne of our Sovereigne Lord William the Third of England Scotland ffraunce and Ireland King defender of the ffaith etc. Annoqz Dni One Thousand Seven hundred BETWEENE the Right Honorable S^r William Molyneux Barronett Lord Viscount Molyneux of Mariburgh the Honorable Richard Molyneux Esquire Son and Heire apparent of the said William Lord Viscount Molyneux and John Tatlocke Gentleman Son and Heire of John Tatlocke Late of Cunsough in the County of Lancaster Gentleman Deceased of the ffirst part The Major Baylives and Burgesses of the Towne Corporate and Burrough of Leverpoole in the said County of the Second part And William Clayton Jasper Mawditt and Thomas Johnson Esquires James Benn Thomas Sweeting and William Preeson Aldermen and Thomas Tyrer Richard Houghton Richard Norris Levinus Hughson John Cleeveland and Thomas Bicksteth Merchants all of Leverpoole aforesaid vpon the Third part Wittnesseeth that the said William Lord Viscount Molyneux Richard Molyneux and John Tatlocke for and in Considerac'on of the Rent hereinafter reserved and of the sume of fifty three pounds of Lawfull English money to the said William Lord Viscount Molyneux and Richard Molyneux already in hand paid And for divers other good Causes and valuable Considerac'ons them hereto moveinge HAVE demised granted Leased Sett and to ffarme Letten and by these presents Doe demise grant Lease Sett and to ffarme Lett vnto the said William Clayton Jasper Mawditt Thomas Johnson James Benn Thomas Sweeting William Preeson Thomas Tyrer Richard Houghton Richard Norris Levinus Hughson John Cleeveland and Thomas Bicksteth their Executors and Assignes ALL that and those the Towne and Lordshipp of Leverpoole otherwise called Letherpoole Parcell of the possessions of the Dutchy of Lancaster or of the Honour of Lancaster in the said County with all and singuler their Rights members and appurtenances And all the fflesh Shambles within the said Towne of Leverpoole

and alsoe all the Stallage and Toll of the Severall Marketts and ffares there from time to time held and to be held and all and every the Perquisites and Profitts of the severall Courts there from time to time held and to be held and all the Customes Anchorage and Key Tolls of in or vpon the River or Water of Mersey there and within the said Towne and Lordshipp of Leverpoole and all and singuler the Commons Wasts and Wast Grounds Boundaries and Territories thereof and all and singuler the Royalties franchises Immunities priviledges Jurisdictions Liberties Rights Tytles Estates vses Trusts Claimes and demands whatsoever of them the said William Lord Viscount Molineux Richard Molyneux and John Tatlocke party to these presents and every of them within out of from or vnto the said Towne or Burrough of Leverpoole or the Libertyes thereof or other the demised or mentioned to be demised premisses which they the said William Lord Viscount Molyneux Richard Molyneux and John Tatlocke or any of them can or may Claime by vertue or vnder one Indenture of Bargaine and Sale Inrolled beareing date the ffourth day of December in the Eleventh yeare of the Raigne of our Late Sovereigne Lord King Charles the ffirst and made Betweene Edward Ditchfield John Highlord Humphrey Clarke and ffancis Mosse Citizens of London of the one part And Richard Late Lord Viscount Molyneux Sir Thomas Walmesley Knight William ffazakerley and John Nutter of the other part or by vertue of any Letters Patents or any Grant or other Conveyance vnder any Letters Patents or otherwise or by any other way or meanes whatsoever (The fferry Boates Battelage and passage over the said water and River of Mersey and all and every the Burgage Rents within the said Towne and Burrough of Leverpoole out of this present demise or Grant Excepted and foreprised) To HAVE AND TO HOULD the said Towne and Lordshipp of Leverpoole and all and singular other the premisses with their and every of their Appurtenances (Except before Excepted) vnto the said William Clayton Jasper Mawditt Thomas Johnson James Benn Thomas Sweeting William Pree-son Thomas Tyrer Richard Houghton Richard Norris Levynus Hughson John Cleaveland and Thomas Bicksteth their Executors Administrators and Assignes from the day of the date hereof for and dureing the Tearme time and space and vnto the full end and Tearme of Nyne hundred Seventy Two yeares thence next Ensueing and fully to be Compleat and ended YEILDING AND PAYING therefore yearely dureing the said tearme vnto the said John Tatlocke his heires and Assignes in Trust for the said William Lord Viscount Molyneux dureing his Life and after his decease in Trust for the said Richard Molyneux his heires and Assignes dureing the residue of the said Tearme the yearely rent of Thirty pounds of Lawfull money of England at the ffest of Saint Michael the Arch Angell yearely dureing the said Tearme which said demise or grant hereby made vnder the yearely rent aforesaid is nevertheless made and by all the parties herevnto hereby declared to be upon Trust and Confidence and to the only vse and behoofe of the Major Baylives and Burgesses of the said Towne and Burrough of Leverpoole aforesaid and their Successors for and dureing all the said Tearme hereby granted And the said William Lord Viscount Molyneux Richard Molyneux and John Tatlocke doe hereby for themselves Severally and respectively and for their Severall and respective heires Executors and Assignes

Covenant promise grant and agree to and with the said Major Baylives and Burgesses their Successors and Assignes That the said Major Baylives and Burgesses or the said William Clayton Jasper Mawditt Thomas Johnson James Benn Thomas Sweeting William Preeson Thomas Tyrer Richard Houghton Richard Norris Levynus Hughson John Cleevland and Thomas Bickesteth their Executors Administrators and Assignes in Trust for the said Major Baylives and Burgesses shall and may from time to time and all times dureing the said Tearme hereby granted paying the aforesaid rent as itt is hereby reserved quietly and peaceably have hould vse occupy possess and enjoy all and singular the before granted premisses and every part and parcell thereof with their and every of their App'ten'ces (except before Excepted) without the Lett Stopp Suite trouble interrupc'on eviction ejection Disturbance or Impediment of them the said William Lord Viscount Molineux Richard Molyneux and John Tatlocke or any of them or of any other person or persons whatsoever Lawfully claimeing or to Claime the premises or any part thereof by from or vnder them the said William Lord Viscount Molyneux Richard Molyneux and John Tatlocke or any of them or any other person or persons in Trust for them or any of them And that they the said William Lord Viscount Molyneux Richard Molineux and John Tatlocke and each of them and their and each of their heires Executors and Assignes And all and every other p'son and persons Lawfully claimeing or to claime the premises or any part thereof by from or vnder them the said William Lord Viscount Molyneux Richard Molyneux and John Tatlocke or any of them or in Trust for them or any of them shall and will from time to time and at all times hereafter within the Space of Ten yeares now next Ensueing vpon the reasonable request of any person or persons Sufficiently Authorized therevnto by the Major Baylives and Burgesses of the said Burrough for the time being or by the said Trustees for the said Major Baylives and Burgesses p'ties to these presents or the Major part of them at the Costs and charges in the Law of the said Major Baylives and Burgesses make and Execute or cause to be made and Executed all and every Such furth' Lawfull and reasonable Act and Acts thing and things Assurances and Conveyances in the Law whatsoever for the further or better Conveying Assureing and Confirmeing of the p'misses hereby granted with their App'ten'ces (Except before Excepted) vnto the said Major Balives and Burgesses and their Successors or to any other person or persons in trust for them for and dureing soe much of the Tearme hereby granted as shall then be vnexpired and not determined and under the rents and Covenants herein contained be the same by ffine or ffines Sur concessit or Sur concesserunt Lease or Leases Confirmacon or Confirmacons as by the said Major Baylives and Burgesses or their Successors or by any other person or persons by them Lawfully Authorized therevnto or by their Councell Learned in the Law Shall be reasonably devised or advised and required soe as such person or persons to be required Soe to make Such further Conveyances or Assurances be not compelled to travell or goe from his or their Severall and respective place or places of Aboad for the makeing or Executing thereof AND the said Major Baylives and Burgesses doe hereby for them their Successors and Assignes Covenant P'mise grant and Agree to and with the said William Lord Viscount Molineux Richard

Molineux and John Tatlocke their heires and Assignes that they the said Major Baylives and Burgesses their Successors and Assignes or some of them shall and will well and truely pay or cause to be paid vnto the said William Lord Viscount Molyneux Richard Molineux and John Tatlocke their heires or Assignes the said yearly rent or Sume of Thirty pounds of Lawfull English money yearly dureing the said Terme at the dayes and times before herein mentioned for the same to be paid as aforesaid AND it is hereby mutually agreed and declared by and betweene all the said parties to these presents that for the further and better Assurance of the P'misses hereby granted according to the true intent and meaneing of these p'sents One ffine Sur Concesserunt of the same p'misses by the name of one Mannour and Two thousand Acres of West Ground with the Appurtenances in Leverpoole aforesaid or by other proper name or names shall at the now next Assizes to be held for this County Pallatine of Lancaster at Lancaster aforesaid according to the vsuall mann^r of levying of Fines there be had and Levyed by the said William Lord Viscount Molyneux Richard Molineux and John Tatlocke vnto the said William Clayton Jasper Mawditt Thomas Johnson James Benn Thomas Sweeting William Preeson Thomas Tyrer Richard Houghton Richard Norris Levynus Hughson John Cleevland and Thomas Bicksteth To HOULD from the day of the date of these presents for and dureing the aforesaid Tearme of Nyne hundred Seventy Two yeares YEILDING and paying therefore vnto the said John Tatlocke his Heires and Assignes the said yearely Rent of Thirty pounds vpon every the feast day of Saint Michaell the Arch Angell yearely dureing the said Tearme AND itt is hereby further declared that the said ffine soe to be had and Levyed and the Estate thereby Conveyed shall be and the Conuzees of the said ffine shall Stand be possessed of and in the p'misses soe to be Comprised in the said ffine and the vse thereof is hereby declared to be and shall be adjudged and taken to be to the only vse and behoofe of them the said William Clayton Jasper Mawditt Thomas Johnson James Benn Thomas Sweeting William Preeson Thomas Tyrer Richard Houghton Richard Norris Levinus Hughson John Cleevland and Thomas Bicksteth their Exec^{rs} and Ass'es for and dureing all the aforesaid Tearme in Trust and for the Sole and only benefitt and behoofe of the said Major Baylives and Burgesses of Leverpoole aforesd and their Successors for and dureing all the said Terme AND itt is hereby further Covent'ed agreed and declared that the said yearely rent of Thirty pounds hereinbefore reserved and to be reserved in the said ffine is not a distinct or separate rent but the same rent with or in Leiw and Stead of the like yearely Rent of Thirty pounds reserved and made payable out of the hereby demised p'misses dureing a great Number of yeares yet to come vnto the said John Tatlock Dec'ed and his heires in Trust for Carill Late Lord Viscount Molineux his Heires and Ass'es (whose heire the said William Lord Molineux now is) in and by one Indenture Tripartite dated the Twenty Seventh day of May An'o one Thousand Six hundred Seventy Two and made of the p'misses Betweene the s'd Carill Late Lord Molineux and

John Tatlocke deceased on the first part the s'd Major Balives and Burgesses on the Second part and severall Trustees on their behalfe on the Third part AND it is hereby further agreed and declared by the parties to these p'sents that only one of the s'd yearly rents of Thirty pounds shall be p'd in mann' aforesd during the Tearme hereby granted which s'd in part recited Indenture of Lease is hereby Covenanted agreed and declared in all parts thereof to be ratified and Confirmed IN WITNESSE whereof the p'ties abovesd to these p'sents have herevnto Interchangeably put their hands and Seales the day and yeare first above written.

57 SALE BY LORD SEFTON TO THE CORPORATION OF THE FEE FARM LEASE

4 Feb., 1777.

The original of this document ought naturally to be in the Muniment Room at Croxteth Hall, but it is missing. Mr. Radcliffe tells me that to the best of his knowledge it is not there, and no one appears to have ever seen it. The following abstract has been taken from the copy of the original, which is to be found in Okill's MSS, 12, 183. The document is extremely lengthy and verbose and is chiefly concerned with family arrangements among the Molyneuxs. On this sale, see *Introduction* 100.

- 1 Indenture dated Feb. 4th, 1777, made between Mrs. Bridget Clayton; the Earl of Sefton; the Mayor, Bailiffs and Burgesses of Liverpool; and Francis Gildart and Thomas Hutton, in trust for the Mayor, Bailiffs and Burgesses.
- 2 Recital of Indentures dated Feb. 16th and 17th, 1704, whereby the Lordship of Liverpool *inter alia* was granted to Thomas Winckley and William Fazakerly in trust for Richard Molyneux, eldest son of William, Viscount Molyneux, upon further trust for the provision of his daughters' portions, if he should have female issue.
- 3 Recital of an Act of Parliament passed 1738, in explanation of the aforesaid grant, which settled the Lordship of Liverpool *inter alia* on trustees, for the purpose of raising £12,000, of which half was to be paid to Dorothy Molyneux, younger daughter of Richard, Viscount Molyneux deceased, and half to the four daughters of Mary Clifton deceased, elder daughter of the aforesaid Viscount Molyneux.
- 4 Recital of an Indenture, dated April 13th, 1739, by which in consideration of an advance of £3,000 made to John Caryl, husband of Dorothy Molyneux, one fourth of the Lordship of Liverpool *inter alia* was mortgaged to Thomas Bramston.
- 5 Recital of an Indenture, dated April 13th, 1739, by which in consideration of a sum of £3000 paid to the aforesaid John Caryl, one other fourth part of the Lordship of Liverpool *inter alia*, was mortgaged to Lord Cadogan.
- 6 Recital of an Indenture dated May 29th, 1746, by which Thomas Bramston transferred his mortgage to Sir Watkin Williams Wynne and Peter Bold.
- 7 Recital of an Indenture, dated June 9th, 1753, by which in consideration of a sum of £1,500 paid to John Massey and Mary Massey (formerly Mary Clifton, granddaughter of Richard, Viscount Molyneux) one eight part of the Lordship of Liverpool *inter alia* was mortgaged to Henry Courtney.
- 8 Recital of an Indenture, dated July 16 1773th, by which in consideration of a sum of £9,700 paid in varying proportions to Lord Cadogan; Henry Courtney's widow; Juliana Clifton, Isabella Clifton and Eleonora Clifton, the Lordship of Liverpool *inter alia* was mortgaged to Bridget Clayton.
- 9 Recital of Articles of Agreement, dated Sept. 13th, 1776, between Charles, Earl of Sefton and the Mayor, Bailiffs and Burgesses of Liverpool, by which in consideration of a sum of £2,250 paid by the latter to the aforesaid Earl, he sold to them the Lordship of Liverpool, with the consent of Bridget Clayton.
- 10 Sale by the Earl of Sefton, and Bridget Clayton mortgagee, of the Lordship of Liverpool to the Mayor, Bailiffs and Burgesses, for the aforesaid sum of £2,250.



CHAPTER III

MISCELLANEOUS DOCUMENTS

This chapter contains a selection of documents referring to the principal legal questions which arose concerning the municipal liberties of Liverpool, down to the middle of the sixteenth century, when records become abundant. Unlike the preceding chapters it does not pretend to be complete, but aims simply at including those documents which are necessary to the elucidation of the main theme, and which have been most freely referred to in the *Introduction*. The difficulty of selection has been considerable. No attempt has been made to draw on the *Municipal Records* for materials for this chapter; substantial excerpts from these have been already printed by Sir JAMES PICRON, and it is intended that a further selection from them should supply part of the materials for later volumes in this series.

1. PLEA DE QUO WARRANTO. 1292

[Record Publications : Placita de Quo Warranto, p. 381. See *Introduction*, 41].

Placita de Quo Warranto et Ragemanno coram Hugone de Cressingham et socijs suis Justiciarijs itinerantibus apud Lancastriam in octabis Sancte Trinitatis anno regni Regis Edwardi filij Henrici uicesimo.

Balliui et Communitas Burgi de Lyuerpol summoniti fuerunt quod essent hic ad hunc diem ostensu quo waranto clamant esse quieti de communibus finibus et amerciamentis comitatus et sectis comitatum et wapentachiorum et de theolonio stallagio thurtol passagio pontagio et lastagio per totum regnum Anglie, Et habere mercatum feriam pillorium timbrellum infangenthef furcas et emendas assise panis et ceruisij fracte in uilla predicta, que ad Coronam et dignitatem domini Regis pertinent sine licencia et uoluntate domini Regis et progenitorum suorum regum Anglie etc. Et quidam homines de Burgo de Liuerpol uenerunt pro Communitate, Et dicunt quod ipsi non habent ad presens ballium de se, set habere solebant quousque Edmundus frater Regis ipsos impediuit et ipsos liberum Burgum habere non permittit. Unde quo ad presens non clamant ipsi de predictis libertatibus nisi quod quieti sint de communibus finibus et amerciamentis comitatus et sectis comitatum et wapentachiorum et de theolonio stallagio thurtol passagio pontagio et lastagio per totum regnum Anglie etc. Et quoad alias libertates dicunt quod ipsi solebant habere illas, set predictus Edmundus modo illas habet. Et dicunt quod dominus Johannes Rex auus domini Regis nunc tempore cuius predictus burgus incepit esse per cartam suam quam profuerunt concessit omnibus fidelibus suis qui burgagia ibidem ceperint quod habeant omnes libertates et liberas

consuetudines in uilla de Lyuerpol, quas aliquis liber burgus super mare habuit in terra Regis. Et dominus Henricus Rex pater domini Regis nunc per cartam suam quam profuerunt concessit quod uilla de Lyuerpol liber burgus esset imperpetuum, Et quod burgenses eiusdem habeant gildam mercatoriam cum hansa et alijs libertatibus ad gildam pertinentibus, Et quod habeant soc et sak thol et them et infangenthef, et quod quieti sint per totam terram Regni et per omnes portus maris de theolonio lestagio passagio pontagio et stallagio et quod nullam sectam comitatum et wapentachiorum faciant de tenementis suis que tenent infra burgum predictum etc. Et quia compertum est per eorum dictum quod predictus Edmundus predictas libertates prepressit et occupauit, predictum est Vicecomiti quod faciat eum uenire hic die Lune proxime post festum Sancti Jacobi apostoli ad respondendum etc. Et dictum est Communitati quod tunc sint hic ad sequendum pro domino Rege simul cum Willielmo Inge etc. Et Communitas posuit loco suo Johannem de la Mor, Adam filium Ricardi, Alanum Walseman et Ricardum de Liuerpol. Postea uenit predictus Edmundus per attornatum suum. Et datus est dies apud Appelby in comitatu Westmorland in octabis Sancti Michaelis etc.

Pleas of Quo Warranto and Rageman before Hugh de Cressingham and his fellows, Itinerant Justices, at Lancaster, in the octaves of the Holy Trinity, in the twentieth year of King Edward, son of Henry.

The Bailiffs and Community of the Borough of Liverpool were summoned to be here this day, to show by what warrant they claim to be free from the common fines and amercements of the county, and from suits of shire-courts and wapentakes, and from toll, stallage, thorough toll, passage, pontage and lastage, throughout the whole kingdom of England, and to have a market, fair, pillory, tumbrel, infangenethef, gallows, and the emendation of the assize of bread and ale broken in the town aforesaid, which things belong to the crown and dignity of our lord the King, without the permission and will of our lord the King and of his progenitors, kings of England etc.

And certain men of the Borough of Liverpool came on behalf of the Community, and say they have not at present a bailiff of themselves, but that they have been accustomed to have one, until Edmund the king's brother stopped them and does not allow them to have a free borough. Wherefore at present they do not claim the aforesaid liberties, except that they may be free from the common fines and amercements of the county, and from suits of shire-courts and wapentakes, and from toll, stallage, thorough-toll, passage, pontage and lastage throughout the whole kingdom of England. And with regard to other liberties, they say that they have been accustomed to have them, but that the aforesaid Edmund now has them. And they say that the lord John the King, the grandfather of our lord the present King, in whose time the aforesaid Borough began to be, by his charter which they showed, granted to all his lieges who should take burgages there, that they should have all the liberties and free customs in the vill of Liverpool, which any free borough on the sea has in the king's land. And the Lord Henry the King, father of our lord the present King, by his charter which they showed, granted that the vill of Liverpool should be for ever a free borough; and that the Burgesses thereof should have a merchant gild with a hanse and the other liberties pertaining to a gild; and that they should have soc and sac, toll and theam, and infangenethef, and that they should be free throughout the whole of the king's land and in all seaports from toll, lastage, passage, pontage and stallage, and that they should do no suit of counties and wapentakes for their tenements which they hold within

the aforesaid borough etc. And because it is clear from their evidence that the aforesaid Edmund has usurped and occupied the aforesaid liberties, the Sheriff is ordered to cause him to come here on the Monday next after the feast of St James the Apostle to answer etc. And the Community is ordered to be here then to prosecute on behalf of our lord the king together with William Inge etc. And the Community put in their place John More, Adam son of Richard, Alan Walseman and Richard of Liverpool. Afterwards the aforesaid Edmund came by his attorney, and a day was appointed at Appleby in the County of Westmoreland, in the octaves of St Michael etc.

2. PETITION TO PARLIAMENT. 1414.

[Rotuli Parliamentorum : Vol. IV., page 55. See *Introduction*, 57].

As tres sages Communes de cest present Parlement, Supplient humblement les pources tenantz nostre seigneur le Roy de son Duchee de Lancastre, les Burgeys del Burgh de Lyuerpull deins le countee de Lancastre, que come le Roy Johan, jadys Roy d'Engleterre, par sez lettres patentz desoubz son graunde seal, graunta que ceux qui tiendrent ascun Burgage deins le Ville de Lyuerpull, duissent auoir toutz manieres des libertees et frankes customes sicome ascun Burgh sur le meer auoit ; et auxint le Roy Henri, iadis Roy d'Engleterre fitz du dit Roy, par ses lettres patentz desoubz son graunde seal, graunta que la dicte Ville de Lyuerpull seroit un franke Burgh a toutz iours, et que les Burgeys de mesne la Burgh duissent auoir gild merchant cum Hansa, ouesque toutz manieres de libertees et customes ou dit gild appartenantz, et en outre graunta as ditz Burgeys, entre diuerses autres fraunchises, Sok et Sak, Thol et Theam, come en le ditz lettres patentz est contenuz pluis au plein lesqueux nostre dit Seigneur le Roy par ses lettres patentz ad ratifiez et confermez generalement ; lequele parole Sak est enterprete franke courte, come il est declare de recorde en le Eschequer ; par auctoritee de quelles grauntes, les ditz Burgeys ount tout temps eue et continue une Courte deinz mesme le Burgh, et les perquisites du dit Court, oue toutz manieres de profites au dit Court appartenantz pris et receiuez tanque ore tarde que les Officers et ministres nostre dit Seigneur le Roy du dit Counte, ount uenuz usurpez et tenuz certuns Courtes deinz mesme le Burgh oue fort main depuis la dite confirmation et null temps a deuant ; et issint les ditz Burgeys sont greousement molestez uexez et destourbez de lour ditz libertees et fraunchises, par les ditz Officers et ministres, encontre droit et reson et encontre l'effect des lettres patentz et la confirmation auan ditz a graunt arrerissement et anientisement du dit Burgh et disheriteson des ditz Burgeys, S'ils ne soyent socorez et eadez en cest present Parlement : Que please a vos tres sages discreions considerere la dicte matiere et sur ceo prier a nostre dit seigneur le Roy que les ditz Burgeys purront auoir et enioer toutz les libertees et fraunchises specifiez en les ditz lettres patentz, selonc l'effect et purport del grauntes de mesmes les nadgairs Roys et de la confirmation auan ditz, saunz destourbance ou empeschement de les Officers et ministres en ycelles parties pur Dieux et en oeure de charitee.

• Responsio. Soit la matiere deinz escript commys a Conseil le Roi et que mesme le Conseil par auctorite du Parlement eit plein poair de faire droit as Suppliantz deinz escriptz, sur la contenue especifie en yceste Peticon.

To the very wise Commons of this present Parliament, the poor tenants of our lord the King of his Duchy of Lancaster, the Burgesses of the Borough of Liverpool, in the County of Lancaster, humbly beg that whereas King John, formerly King of England, by his Letters Patent under his great seal, granted that those who held any Burgage in the vill of Liverpool, should have all the liberties and free customs which any borough on the sea had ; and also King Henry, formerly King of England, son of the said King, by his Letters Patent under his great seal, granted that the said vill of Liverpool should be a free borough for ever, and that the Burgesses of the same Borough should have a gild merchant with a hanse, with all the liberties and customs appertaining to the said gild ; and moreover he granted to the said Burgesses among divers other franchises, soc and sac, toll and team, as is more fully contained in the said Letters Patent ; which our said lord the King by his Letters Patent has ratified and confirmed generally : and the word sac is interpreted a free court, as it is declared of record in the Exchequer : and by virtue of these grants, the said Burgesses have at all times had and continued a court in the same Borough, and have taken and received the perquisites of the said court with all the profits belonging to the said court ; until now lately that the officers and servants of our said lord the king, of the said County, have come, usurped and held certain courts in the same Borough by force, since the said confirmation and not before ; and thus the said Burgesses are grievously molested, vexed and disturbed in their said liberties and franchises by the said officers and servants, contrary to law and reason, and contrary to the effect of the aforesaid Letters Patent and confirmation, to the great hindrance and detriment of the said Borough and the disinheriting of the said Burgesses, if they be not succoured and aided in this present Parliament : may it please your very wise discretions to consider the said matter and hereupon to pray our said lord the King that the said Burgesses may have and enjoy all the liberties and franchises specified in the said Letters Patent, in accordance with the effect and purpose of the grants of the same the late Kings, and of the aforesaid confirmation, without disturbance or hindrance from the officers and servants in those parts : for God and in the work of charity.

Answer. Let the matter within written be committed to the King's Council, and let the same Council by authority of the Parliament, have full power to do right to the suppliants within written, upon the contents specified in this Petition.

8. PRECEPT TO DISTRAIN THE MAYOR AND BAILIFFS. 1420

[Duchy of Lanc. Misc., Vol. 17 ; Reg. of Hen. V, part II, fo. 87. See *Introduction*, 57]

Pur le Roy } Henry etc A nostre Seneschall de noz Wapentakes de Salford et Derby ou a son lieutenant illoeques saluz. Vous mandons et chargeons que uous facez distreindre toutz ceux q'ont estez Mairs et Baillifs de Lyuerpull del temps de nostre coronacion tanque encea q'ils soient deuant les Barons de nostre Eschequer a Lancastre a la proscheine session illoeques a tenir pur nous rende accompt de le temps q'ils ont tenuz noz Courtes a Lyuerpull et de nous respondre des issues de nos ditz Courtes et de tholun et autres proffitz par eux leuez en le meen temps, come reson demande. Et ce ne lessez en nulle maniere sur peril q'appint. Don etc le xij iour de ffeurier l'an septisme.

per consilium.

For the King. Henry etc To our Steward of our Wapentakes of Salford and Derby, or to his Lieutenant there, greeting. We command and charge you, that you cause all those to be distrained who have been Mayors and Bailiffs of Liverpool from the time of

our coronation until now, that they be before the Barons of our Exchequer at Lancaster at the next session there to be held, to render us account for the time they have held our courts at Liverpool, and to answer to us for the issues of our said courts and for the toll and other profits levied by them in the meantime as reason demands. And this you shall in no wise omit, on the peril which is impending. Given etc on the twelfth day of February in the seventh year.

By the Council.

4. WRIT DE QUO WARRANTO. 1498

Henricus Dei gratia Rex Anglie et Francie et Dominus Hibernie uiccomiti Lancastrie salutem. Summone per bonos summonitores maiorem balliuos et communitatem Burgi de Lyuerpole quod sint coram iusticiarijs nostris itinerantibus apud Lancastriam die Jouis proxime futuro ad respondendum nobis de placito quo warranto clamant habere liberum burgum in Lyuerpole et mercatum ibidem singulis septimanis per diem Sabbati ac feriam in eodem singulis annis bis per annum tenenda, necnon quieti esse pro se et successoribus suis de omnibus finibus et amerciamentis Comitatum et de Sectis Comitatum et wapentagiorum ac de theolonio lestagio passagio pontagio et Stallagio per totam Angliam et per omnes portus maris; et aciam quo waranto clamant ibidem habere uisum franciplegij cum Waifs et Strays ac omnibus alijs articulis ad uisum pertinentibus, et soc sac tholl et theam infangenethef et furcas ac emendas assise panis et ceruisij fracte ac pillorium et timbrellum, ac eciam quo waranto clamant habere infra burgum predictum gildam mercatoriam cum hansa et cum alijs libertatibus et consuetudinibus ad gildam pertinentibus et quod nullus qui non sit de Gilda mercandisam aliquam in predicto burgo faciet nisi de uoluntate et Licencia eorumdem burgensium; et eciam quo waranto clamant habere unum maiorem de communitate predicta singulis annis inter eos eligendum et quod idem Maior habeat potestatem ea omnia et singula que ad officium maiortatis pertinent facere et exercere; et eciam quo waranto clamant unum seruientem ad clauum omnes summonitos attachere et etiam attachiamenta facere per corpora infra burgum predictum, que ad coronam et dignitatem nostram pertinent, sine licencia et uoluntate nostris et progenitorum nostrorum. Et habeas ibi summonitos et hoc breve. Teste meipso apud Lancastriam xx die Augusti anno regni nostri terciodecimo.

Henry by the grace of God King of England and France and lord of Ireland to the Sheriff of Lancashire, greeting. Summon by good summoners the Mayor, Bailiffs and Community of the Borough of Liverpool that they be before our itinerant justices at Lancaster on Thursday next to answer to us concerning a plea by what warrant they claim to have a free Borough in Liverpool and a market there every week on Saturday and a fair therein every year twice a year, also to be free for themselves and their successors from all fines and amercements of the county and from suits of shire-courts and wapentakes, and from toll, lastage, passage, pontage and stallage throughout all England and in all seaports; and also by what warrant they claim to have there the view of frankpledge with waifs and strays and all other things belonging to the view, and soc sac tholl and team infangenethef gallows and the emendation of the assise of bread and ale broken and the pillory and tumbrel; and also by what warrant they claim to have within the aforesaid town a gild merchant with a hanse, and with the other liberties and customs belonging to the gild,

and that no one who is not of the gild shall transact any business in the aforesaid Borough except by the permission and licence of the same Burgesses; and also by what warrant they claim to have a Mayor for the aforesaid community chosen every year among themselves, and that the same Mayor may have the power to do and exercise all and singular things which belong to the office of the mayoralty; and also by what warrant they claim a serjeant-at-mace to attach all persons summoned and also to make attachments by the body within the aforesaid Borough, which things belong to our crown and dignity, without the licence and permission of us and our progenitors. And you shall have there those summoned and this writ. Witness myself at Lancaster on the twentieth day of August in the thirteenth year of our reign.

5. COMMISSION TO SIR WILLIAM MOLYNEUX CONCERNING TOLLS.

28 June, 1514.

[Duchy of Lanc. Misc., Vol. 95; Book of Commissions, Orders, etc., Henry VIII, fol. 36 (b). See *Introduction* 68].

of the Tolle w'in the Towne } HENRY ETC To our trusty and Welbeloued
of Litherpole } sir Willm Molyneux Knyght stuard of our
Town of Lirpoole Richard Hesketh our
Attorney at Lancast John Burgoyne o' Audito' of o' Duchie in the
northe p'ties Lawrence Starky squier o' Receiuo' of our said Duchie
in o' Counties of Lanc & Chestr & to eu'y of theym greting Where
enformac'on is made vnto vs on the behalff of o' ffermo' of o' Toll w'in
o' said town of Litherpole that Where as We & o' p'genito's tyme out
of mynde, have had & vsed to haue the tolls & Customes of all marchandises
ther bought or sold or thider brought to be vtted & solde except only of the
Maire and burgeses abidyng & dwelling in the said town. So it is nowe that
the said Maire and Burgeses of o' said town contrary to ther Auncient lib'ties
ther for their own singler lucre & Aduauntaige nowe of late haue made diu's
& many fforren men not resident ne Abiding in the said Towne to be burgeses
of the same Town to thentent to defraude Vs and o' right of o' toll there as
in the said enformacon therof made herin enclosed, apperith more at large
Wherby the fferme of o' said toll ther is gretely decaied & dimynysshed. We
not willing in no Wise to be thus p'iudiced & hurted of o' said toll trusting in
yo' wisdomes and indifferencies woll and desire you and Nathelesse charge
you that ye iiij iij or ij of you at lest at tyme convenient by you to be lymytte
you do p'pare yo' selff to o' said town and that ye then & ther do enquire of
the demeano' of the said Maire & Burgeses conc'nyng our said toll & other
the p'mysse by all waies convenient aswell by the examynacon as otherwise
so that we may com to the true trouth therein And thereupon by yo' discreconz
to sett such ordre therin so that o' saied fferme & dutie be not dimynysshed
by ther meanes in tyme to com. And what ye shall do p'ceive & vnderstand
We woll that ye, by yo' writings vnder yo' seales, w' thies o' l'res, do c'tifie
vs, o' Chauncello' & Councell of o' said Duchie, at o' paloyes of Westm thereof
in the xv^a of Saint Mighell tharch next comyng to thentent that we may ferther
p'cede therein as therunto shall app'teigne. Geuen at o' said paloyes the xxviijth
day of Juyn the sixth yere of o' Reigne

By the King

per Consilium Ducatus predicti.

6. INQUIRY CONCERNING WRECKS

29 Oct., 1528

[Duchy of Lanc. Misc., Vol. 22 ; Register of Hen. VIII, fol. 102].

Henry etc To all and singlr our Justic^s Stuards Maiers Bailiffs and to all other our Mynysters and Subiects in our Countie Palantyne of Lancast^r and to eu^y of them gretyng Knowe ye that for the ffaithfull trust and confidence that we haue in our Trusty and Welbeloued Willm More squier, We haue deputed assigned and Constituted, and by thes our L^res Patents depute and assigne (duringe our Pleasur) the same Willm to enquire from tyme to tyme by all Waies and meanes By the which the trouthe may be knowen of all man^r of ffishes Rioall (*sic*) Wrekks ffloatsomez Jettsomez and other Casuelts comynge fallynge or happenynge in the streme and water called Marcea (Wⁱⁿ the Lymys of our saied Countie) or in any Creks, Havyns Stremes or Waters of the same and to survey serch and examyn^r the concelemts and substraccon of all and eu^y such Tolles Customes and fforfaiteturs as to us Rightfully shuld belonge or app^rteigne of any goods catells m^chandises arryved brought or Conveyed to or from our Porte of Lirpole in our saied Countie or in any other Ports Crykks or Havens in our saied Countie And also to enquire and survey of all Distruccons of ffrie of ffishes Weres and Kedells, erect made or inhaunced wⁱⁿ any of the saied stremes Havens or Crikks to the anoiaunce thereof Or contrary to the fforme of any acts or Statuts p^rvided in that behalff and the saied ffishes Roiall Wrekks ffloatsomes Jettsomes forfeiturs and other casuelties aforesaid of Right to vs ap^rteignenyng To sease and take to our vse and therof to make and yeld yerely accompts and Declaracon byfore our Auditors of our saied Duchie for the tymes being at there yerely comyng into thoes p^rts And from tyme to tyme to certifie our Chauncello^r and Councell of our saied Duchie of all and eu^y such Distrucconz of ffrie of ffishe ereccⁿ or enh^auncynge of Weres and Kedells, concelements and substraccons of Toles Customes and fforfaicturs as the saied Will^m may have knowledge of by serche Surveyinge Inquisicon or exaiacon to thentent that the offenders in the p^rmysses (yf any be) May be reformed by our saied Ch^auncello^r and Councell, as to our Lawes and equite shall app^rteigne, Willing and com^aundinge all and eu^y our Maiers, Shireffs and all other our Mynysters and Subiects in our saied Countie to be attend^aunt ayinge and assistynge the saied Willm in and for the Lawfull execucon of the p^rmysses from tyme to tyme as case shall requir In witnes wherof to thies our L^res Patents We haue putto our seale of our saied Duchie of Lancast^r the xxixth Day of October the xxth yere of our Reigne

Per Consilium Ducatus predicti

7. ROYAL COMMISSION TO THE MAYOR OF LIVERPOOL
CONCERNING THE FERRY BOAT.

5 Nov., 1529.

[Duchy of Lanc. Misc., Vol. 95 ; Book of Commissions, Orders, etc., Hen. VIII, fol. 104 (b)].

Conc ⁿ eng ij ffery bots at Lyrpole and Runcorne	}	HENRY Etc ^r To our trusty & Well beloued the Maier of o ^r Towne of Lyrpole p ^r cell of o ^r Duchye of Lanc in o ^r Countie of Lanc, greting WHER as we &
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o' p'genitors tyme owte of mynd haue vsed to haue ij fferry bots for the passage of o' s'biects & other ther necessarys vpon the water at o' Townes of Lyrpole & Runcorne & that no p'son hathe to fore thys tyme vsed to make eny conveyance or passage at eny of the seyde fferreys or ellswher but hath been made only by o' ffermo' & Keperes of o' fferys ther AND so yt ys that we be enformed that diu's ffysshermen & other having bots ther of late tyme haue begon to ffery o' s'biects bitwene the seyde Townes in diu's placis over the seyde water whych never was vsed hertofore vnto now of late not only to o' dysheryson but also to the vtte vndoyng of o' seyde ffermo' ther v'f yt shuld be so suffred WHEREFOR we woll & desir you & nathellesse charge you that ye incontynet vpon the sight hereoff doo make p'clamacon in o' seyde Townes of Lyrpole & Runcorn in o' name that no man' of p'son or p'sons h'after do Attempt ne take vpon hym to make any fery betwene o' seid Townes ne to Convey eny o' s'biects in their bots or bargs (onles they pay ther duties to o' seyde ffermo's of o' seyde fferreys ther) as they woll Answer vnto vs at ther fferther p'ill AND if any p'tend by any man' of title to haue eny such fery ther YET that they also do fforber & surcesse of any medlyng in that behalf vnto such tyme as they haue shewed their titles before o' Chauncellor & Counsell of o' duchye of Lanc conc'nyng the same wher they shalbe indifferently herd & haue Justice mynystred vnto them According to thorder of o' lawes NOT FFAYLING herof as ye tender our pleasur Geuen etc at Westm v^{to} die Nouembris Anno xx^o.

8. PETITION OF HENRY AKERS CONCERNING THE
FERRY BOAT. 1530.

[Duchy of Lanc. Judicial Proceedings, Pleadings Vol. 4. See *Introduction*, 74, n. 4].

To the Ryght honorabull Will^m ffitz Will^m Knyght Chauncellor of the
Duchie of Lancast

Shewythe & Compleynythe vnto your Maste'shipe your daily orator Henr Ackers the Kyngs ffermor of the Custome & toll of hys Towne of Lyrpole & fferry of the same Towne p'cell of hys Duchye of Lancast in the Countie of Lancast that wher as the sayed ffermor and all other the Kyngs ffermors of the sayed fferme haue vsed alwayes tyme oute of mynd to haue a bote to ffere ou' the water ther at the kyngs Townes of Lyrpole & Runcorn aswell for themsellis as for suche of the kyngs subiects as wold ther ffere ou' ther and to take thavauntages theroff and also to take custum for suche Catall as ther wer fferd ou' and none other p'son or p'sonnes have had any suche fferes ther but only the kynges ffermor of the sayed ffere of Lyrpole for the tyme being vnto now of late yers that Will^m Herrvson John Jamys John Gainsdon Thom^s ffitzakerley Thom^s Chawn Richard Whittefeld Thom^s a Grygehynd Will^m Ansdale John Brede Richard Sampson Henr' Ansdale Thom^s Ansdale & John Gregory havynge ij bots amonge theym thys ij yers haue vsurpyd vpon the Kyngs possession & have vsed to ffere ou' not only theymsellis but also suche of the Kyngs subiects as wold ffere ou' ther takyng the p'ffuts thereof to their vse Not only to the impou'ysshyng of your sayed orator beyng ffermor theroff So that he ys not able to pay the rent for the same but also to the Kyngs dysheryson yn tyme to come yf yt shuld so be suffred wherffor etc.

Michaelis Anno xxj^o et xxij^o

9. BILL AND JUDGMENT OF SIR RICHARD MOLYNEUX *v.*
CORPORATION OF LIVERPOOL. 1555.

[OKILL'S MSS., XVI, 241. See *Introduction*, 71-2].

To the Right Hon^{ble} Sir Robert Rochester Knight Comptroller of the
Kinges & Queenes majesties Householde and Chancellour of the
Duchye of Lancaster.

In most humble wyse compleyninge, sheweth unto your right Hon^{ble}
Mastershypp your Supplyants and dayly Orator Rycharde Mulleneux of Sefton
in the County of Lancaster Kn^t that whereas the late Kyng of famous Memorye
Kyng Henry th' eight wyth th'advise and assent of his Counsell of his Duchye
of Lancaster by his Letters patents under the Seale of his Duchye of Lancaster
afforesayd bearyng Date the 4th day of November in the thirty seaventh year
of his reigne did demyse graunt betake and to ferme lette to one Wyll^m Mully-
neux Kn^t and your seyd Orator by the names of Wyll^m Mulleneux Kn^t and
Rycharde Molyneux Esq^r sone of the seyd Wyll^m amongst other thynges the
Towne and Lordshippe of Lytherpole wyth th' appurtenances in the County
of Lancaster afforesayd and alsoe one Boote and passage over the Water of Mer-
sy and the flesshambles there, and alsoe the Stallage and Tolle of the Markette
and fayres with the perquysyttes of the Court in Lytherpoll afforesayd and
also the Custome and anchorage of Keytolle of the sayd Water of Mersye wythin
the Lordshyppe of Lytherpole afforesayd to have and to hold the premysses
amongest other thynges to the seyd Wyll^m Mulyneux Kn^t and your seyd Orator
and theyre assignes for terme of dyverse yeares yet enduryng and not expyred
yeldyng and paying therefore to the sayd late Kyng of famous Memorye hys
heyres and Successors xiiijth vjth viijth as more playnly by the same Letters patents
redye to be shewed doth and may appere by vertue whereof the s^d Wyll^m Mullen-
eux Kn^t and your seyd orator and theyre assignes were of the premysses wyth
th' appurtenances possessed and th' issues profetts and revenues thereof have
peaceably receyved and taken and after the s^d Wyll^m Mulleneux at Sefton
affores^d dyed and your s^d orator hym survyved and overlyved so yt is, Right
Hono^{ble} Syr, that now of late one Roger Walker late Mayre of the Towne of
Lytherpole afforesayd Thomas Seycome and John Wynstanley late Baylyfes
there, and one Wyll^m Norres Kn^t now Mayre of the seyd Towne of Lytherpole
and Martyn Cumberbeache and Robert Corbette now Baylyffes there wythout
Tytle or ryghte have taken th' issues profetts and revenues of the premysses in
manner and forme followyng, that is to say, the seyd Roger Walker late Mayre
Thomas Seycome and John Wynstanley late Baylyffes have taken and perceyven
the issues and profetts of the moytye of the premysses which have aysen and
accrued syns the 14th day of July last past untill the 18th day of October last
past and lykewyse syns the thyrde day of September last past the seyd Roger
Walker and the s^d Tho^s Ceycome and John Wynstanley Baylyfes have taken
th' issues and profetts of th' other moytye of the premysses untill the 18 day
of October last past and syns the s^d 18 day of October last past the s^d Wyll^m
Norres Kn^t Martyn Cumberbeach and Robert Corbette have perceyved and
taken th' issues and profetts of th' entyer premyssys without Tytle or ryght and

the same converted to theire owne use and also one usuall Seale for the Kynges and Queenes Majesty Custome belonging to your seyde Orator comonly called the Cockette Seale is casually comen to th' andes custody and possession of the persons aforementioned by vertue whereof your seyde Orator is dysturbed and defrauded of the profetts of the sayde Custome wythin the seyde Lordshippe of Lytherpole affores^d and the s^d persons have taken the seyde profetts of the premysys claymyng Inherytance in the same and the same converted to theyre owne use contrary to ryght Equity and Consciens, In consideration whereof and alsoe forasmoche as your seyde orator is chargeable to paye yerely the seyde rent to the Kyng and Queenes majesty, It may therefore please your R^t Hono^{rs} Mastershypp to graunte the Kyng and Queenes Majes^{ties} most gracious Wrytte of Injunction to be dyrected to the sayde Roger Walker Thomas Ceycome John Wynstanley William Norres Martyn Cumberbeache and Robert Corbette and to every of them comandynge and injoyning theym and every of theym by vertue thereof not onely to permytte and suffer your seyde orator peaceably and quyetyly to have holde occupy and injoye the premysys with theyre appurtenances and to delyver the s^d Cockette Seale unto your said Orator, but also to be and personally appeare before your gud Mastershypp in the Duchye Chamber at Westminster at a certen daye and under a certen payne by your gud Mastershypp to be lymitted and appoynted then and there to answer to the premysys and further therein to abyde your Honourable order in the premyses as to your gud Mastershypp shall be thought most consonante to stande with ryghte and equitye and consciens and your seyde Orator shall dayly pray to God to preserve your gud Mastershypp in helth and Honour long to contynue fiat process per breve de Injunctiōe prov^t petit.

CARYLL.

THE JUDGMENT.

In Camera Ducatus Lancastrie Termino Sancte Trinitatis annis regnorum Philippi et Marie secundo et tertio.

Inter Ricardum Molyneux militem et Will^m Molyneux armigerum Querentes et Ma^jorem et Burgenses Ville de Liuerpole Defendentes

Whereas afore this time Sir Richard Molyneux of Sephton in the County of Lancaster Kn^t and William Molyneux his Son and heir apparent to the s^d Sir Richard Molyneux exhibited their Bill of Complaint before the Chancellor and Councell of the Duchy of Lancaster in the Duchy Chamber at Westminster and declared by the same Bill that where they were lawfully possessed for Term of diverse yeares yet enduring and by good and sufficient Conveyance in the Law amongst other things of and in the Towne & Lordship of Liverpole with the appurtenances in the s^d County of Lancaster and also of and in one boote and passage over the water of Mercy and of and in the flesh shambles there and also of and in the stallage and Toll of the Marketts and fairs with the perquisites of the Court in Liverpole afores^d and also of and in the Custome Ankorage and Kaytolle of the said Water of Mercy and of and in all & singular profitts Commodities & Emoluments coming and arising within the said Town & Lordship of

Liverpole yeilding and paying therefore yearly during the said Term of years to our Sovereign Lord & Lady the King & the Queen and to the heires and successors of our s^d Sovereign Lady the Queen fourteen pounds six shillings & eight pence as more plainly by the Letters Patents thereof made it doth and may appear by vertue whereof the s^d Complainants the Issues profits and revenues thereof had peaceably and quietly perceived and taken as lawful it was for them to do, And shewed forth by their said Bill of Complaint that where of late that one Roger Walker late Maior of the Town of Liverpool afores^d Thomas Secume and John Winstanley late Baylives there, and one William Norres Knight then being Maior of the s^d Town of Liverpool Martin Cumberbeach & Robert Corbett then Bayliffes there without any colour of Title or right have taken the issues profits and revenues of the premisses and the same converted to their own use, and further declared & shewed by their said Bill that one usual Seale for the King & Queens Majesty Custome belonging to the said Complainants comonly called the Cocket Seale was then casually comyn to hands custody & possession of the persons afores^d by reason whereof the s^d Complainants were disturbed and defrauded of the profits of the said Custome within the said Lordship of Liverpool and the s^d persons have taken the profits of the premises claiming th' inheritance of & in the same and the same converted to their own use contrary to right & equity and prayed process out of this Court against the said persons to appere in this Court and to make answer unto the Matters contained in their said Bill as by the s^d Bill remaining in this Court of Record more plainly at large it doth and may appere, unto which matters specified in the s^d Bill the said persons made answer in manner & form following

first the said Thomas Secume, for answer unto the s^d Bill he said that in the month of November then last past the King & Queen's Majestys Letters of privy Seale directed out of this Court were delivered to him and the other Def^{ts} in the said Bill of Complaint mentiond comanding them & joining them forthwith upon the sight & receipt thereof to leave & forbear to receive perceive or take any the issues Tolls Customes and then after not to intermeddle or have to do with any other thing or things mentioned in the said Bill of Complaint since which time as well the s^d Def^{ts} as also all other to whom the said Letters were addressed have obeyed the same and the s^d Thomas Secume further said that as well King John of most worthy memory as also King Henry the third of that name, Edward the first & Richard the second and diverse others progenitors of our s^d Sovereign Lady the Queen, Kings of England by their several Letters patents under their great Seale of England redie to be shewed, have and did grant to the Burgesses of Liverpool afores^d and to their Successors for evermore that the same Burgesses their said Successors should not only have & keep for evermore the said Town of Liverpool and that the said Town should be a free Borough for ever and that the Burgesses thereof should have and enjoy all & every the same like Liberties and free Customes that any free Borough standing by the Sea in England or Wales then had and also should have and enjoy within the said Town a Gyld Merchaunte with the Hanse and all Liberties and free Customes to the s^d Gyld appertaining and that none other

than such as were of that Gylde should occuppy Merchandize within the said Borough & but by the consent of the Burgesses of the said Borough for the time being, but also the same Burgesses and their Successors should have and enjoy for ever within the said Borough Soc and Sac and Tolle and Theame and Infangthef and that throughout all England & Waales and the ports of the Sea within the same, and that the s^d Burgesses and their Successors should be quiet of and from paying of Tolls Lastage passage pontage & Stallage and that they shall make no Suit to the County Corte neither els to the Wapentake for any thing holden within the said Borough, and that all and every Merchants from what place soever coming being in amity with the King on their having his safe Cundithe should & might savely come unto and arrive at the s^d Borough with their merchandize & should and might tarry there savely, and from thense safely to pass doing and paying theare their Custom and other Dutyes as more at large in & by the s^d Letters patent ready to be shewed it might & shuld appere and the same King Richard the 2nd by his Letters patents readie to be shewed under the great Seale of England dated at Westminster the 11th day of June in the first year of his reigne did furthermore grant & by his charter confirm for him his heirs & Successors to the same Burgesses & their successors that the same Burgesses & their Successors for evermore should & might fully enjoy & use for evermore without Lett or Impediment of him his heires or Successors Justices Escheators Sheriffs Bailiffes or any other their Ministers all & every the s^d Liberties privileges freedoms & Customes afores^d notwithstanding non-user mis-user or abuser of the same as in and by the same last remmembered Letters pattents ready also to be shewed shall & may more at large and more manifestly appear since which time by force of other the Grants by like Letters had & made since by other the progenitors of our s^d sovereign Lady the Queen there have been & now be elected and chosen every year one Mayor & two Bailiffes to be and remain as supreme & head officers one holle year for the good Government of the same Town & Bourough and the Inhabitants thereof And the s^d Thomas Secume this Def^t further saith by the Time whereof the memory of man is not to the contrary the Bailiffs of the Town of Liverpole at the commanding of the Mayor of the s^d Towne & Borough for the time being have had & used to have perceive receive & take to their own uses towards their yearly charges and great expences by the like officers there for the time being yearly laid out & bestowed in & about the Walls of the s^d Towne and Churchyard towards the Sea and other the necessary defence for the said Borough from the Sea the Tolle, stallage of fairs & Marketts with the perquisites of the Courts of the s^d Borough, all & every Customes there and peable for Merchandice shipped or discharged, and by the same time have had and used to have one Clarke that hath taken the Entree of all such goods & Merchandizes as have been shipped or discharged there and by all that time have had used & kept a Seale comonly called the Towne Seale wherewithall they have and always doe Seal the Instruments and writings touching & concerning the common & public affairs & doings of the s^d Borough and all such Contracts and Bargains as have or doe concern the whole body there and recognizances had and knowledged before the Maior & Bayliffes of the s^d Towne for the time being, and the s^d Tho^s Secume further-

more sayth that neither the s^d Complainants nor any other having the farme or Lease of such the rents & profitts as the same Complainants claymith to have & enjoy by the force of their said Lease in the s^d Bill of complaint mentioned at any time or times afores^d the s^d Letters of Injunction had & obtained have had and enjoyed perceived or taken or of right ought to have perceive or enjoy in the s^d Towne or Borough of Liverpole or within the Liberties thereof by vertue or force of the s^d Lease but only the rents of the s^d Towne usually called the fee farm that is to say of every Burgage there 12^d the ferry boate there upon the Water of Mersy and profits thereof, the Custome of Ankerage and Keytolle of all Strangers thither coming and the flesh Shambles and none other Customes rights or dewtyes comyng happening or arising in the s^d Towne of Liverpolle or within the Libertyes of the same, all which and every of them so of right due to be perceived had used or enjoyed by the s^d Complainants by vertue of their s^d Lease the s^d Complainants ever and from time to tyme hitherto hath had perceived & taken without Interruption or other Lett of this Def^t or by any other person or persons by his consent or procurement, and such of the rest & residue of the s^d Customes rights & profitts due to the s^d Burgesses and peable to the s^d Bayliffes and Head Officers of the s^d Towne of Liverpolle for the time being the same now Def^t in the s^d Bill of Complaint mentioned being Bayliffe thereof did levy perceive & receive the same as lawfull was for him to do And the s^d Thomas Secume now Def^t furthermore sayth that divers & sundry Lettents pattents of the s^d progenitors of our s^d Sovereigne Lady the Queen Kings of England by force whereof and by which the s^d Mayor Bayliffes and Burgesses should & ought to have enjoy & use the afores^d Liberties and divers other Liberties privileges pre-eminences & profitts not afore herein expressed and remain as now out of their hands which hitherto they cannot attain or come by, and further the s^d Def traversed the Contents of the said Bill of Complaint and the s^d Robert Corbett Martin Cumberbach and Roger Walker made every one of them a several answer containing the same & like matter in effect as the s^d answer of the s^d Thomas Secume above rehersed contained and traversed the matters materiall in the said Bill of Complaint mentioned.

And the s^d S^r W^m Norres Kn^t named in the said Bill made answer to the said Bill of complaint & said that the s^d Sir W^m Norres was elected and chosen Maior of the s^d Towne of Liverpooles and from the time he was so elected Maior he by Robert Corbett & Martin Cumberbach then Bayliffes of the same Town did levy perceive receive & take the s^d premisses before rehersed as belonging to the s^d Town as lawfull it was for him to do until the time that the s^d Letters of Injunction were to him & the s^d others Def^ts delyvered and further made the like answer in effect as the said Thomas Secume did make as by their said severall answers remaining in this Hono^{ble} Court of record more plainly it doth appear to the which s^d severall answers of the s^d Thomas Secume and the Def^ts afores^d the said Complainants did reply wherein they the s^d complainants did maintain this s^d Bill of complaint in all & every thing therein mentiond and further replied and said that there be divers and sundry Matters of record remaining in this Hono^{ble} Court of the Duchy of Lancaster before

the s^d Chancellour and Councill by the which it doth & may plainly and manifestly appear that the s^d Complainants are lawfully possess by virtue of the said Demise and of right ought to possess and enjoy the premisses with the appurtenances mentioned in the s^d Bill of Complaint according to the s^d Letters pattents mentioned in the said Bill and further the said Complainants said that if there be any such Letters patents as be mentioned in the said answer yet the same be not materiall or effectual in the Law to bind the King & Queens Majesties right & Interest or the Estate & Interest of the s^d Complainants in the premisses or any part thereof nor yet to entitle the s^d Def^{ts} or any of them to the same in manner & forme as it is alledged in the s^d answer & farther the s^d Complainants in their said replication traversed the points & effects materiale in the s^d severall answers conteigned unto the which replication the s^d Def^{ts} rejoined & by the same averred & maintained the matters contained in their said answers & traversed the contents & effect of the s^d replication whereunto the said parties were at Issue and forasmuch as the Tryall of the s^d Issues do stand for the most part upon Letters patents & Grant of the Kings of England made to the Bailiffs & Burgesses of Lyverpolle and upon the records of the Duchy of Lancaster & other matters of record remaining before the s^d Chancellour & Councill and matters in writing ready to be shewed therefore the s^d Def^{ts} did pray in this Court many divers & sundry times as well in the Terms of S^t Michael the Archangel last past as also in this present Term of Easter that the said matter might be heard & ordered by the s^d Chancellour & Councill of this Court to the hearing & ordering whereof the s^d Complainants with th^r advice of the s^d Chancellour & Councill for their part did agree & consent & thereupon day was given for the hearing of the said matter at which day the said matter was solemnly fully & deliberately heard & debated by the Counsell of both the s^d parties and all such Matters of record Letters patents Grants Confirmations of Grants auditors Rolls Court Rolls & other wrytings which the s^d parties shewed to the s^d Court were by the s^d Chancellour received hearde redd understood and perceived & upon the hearing & debating of the same it appeared manifestly & plainly to the s^d Chancellour & Councill that the Queens Majesty & her progenitors Kings of England have had the profitts of the premisses mentioned in the s^d Bill of Complaint as in their right of their Duchy of Lancaster and have been yearly answered of the same continually from time to time since the beginning of the reigne of King Henry the 6th as by divers & sundry auditors rolls of the accounts of the s^d premisses and other good records & writings shewed to this Court & remaining amongst the Kings & Queens Majesties records of this Court it doth & may appear and specially in one Roll vicesimo nono Henrici sexti and one other Roll of 32nd Henrici Sexti and one Roll of the 2nd year of Richard the third and one roll of the 13th year of Henry the 7th which were thoroughly read perused & understood by this Court in the hearing of the same Matter and for that it appeared to the said Chancellour & Council that there be the like rolls of the accompts made concerning the same premisses from time to time to this present year of our s^d Sovereign Lord & Lady the King & Queen the second & third, as by the same remaining of record amongst other the Records of this Court it appeared And also for that it appeared unto the

s^d Chancellour & Councill that there hath been made divers & sundry Leases of all & singular the premisses specified in the s^d Bill of Complaint particularly & specially nominated and mentioned in the s^d Leases as well by our said Sovereign Lord & Lady that now be, as by the late King of famous memory Henry the eighth, King Henry the 7th King Richard the 3rd as also of King Edward the 4th and every of the said speciall Leases made by the s^d several Kings as is aboves^d were made under the Seal of this Court & yearly rents reserved upon the same Leases which hath been yearly answered & paid by the farmers & occupiers of the s^d Towne of Lyverpole & other the premisses as by the records accompts & remembrances remaining in this Court more plainly it doth & may appear, and also for that it appeared to this Court that Christopher Hoghe Maior of the s^d Town and divers others of the substantial & honest men then dwelling & inhabiting within the s^d Town of Lyverpolle to the number of eleven persons did take in Lease by Indenture the moiety or one half of the premisses mentiond in the s^d Bill of Complaint for Term of certen yeares now expired of Sir W^m Molyneux Kn^t then farmer of the same as by the same Indenture shewed also to this Court more at large it doth plainly appear, and also for that one Edmund Gee being the chief man and head Merchant & chief ruler & Governor within the s^d Towne of Lyverpoolle did in like manner take in Lease of the s^d Sir W^m Molyneux Kn^t & Richard Molyneux now one of the s^d Complainants by Indenture bearing date the 14th day of July in the 34 year of the late King Henry the eighth for term of eight years which bee now expired the other half of all & singular the premisses containd in the s^d Bill of Complaint which Indenture was also shewed perceived & understood by this Court, upon which s^d severall Leases last remembered there was certen yearly rents reserved which could not be denied by the said Def^{ts} that both they have been paid according to the said Indentures, and also for that it appeared to the s^d Chancellour & Councill that the s^d Df^{ts} did shew certen and antient Letters patents and Confirmations made by divers progenitors of the Queen's Majesty that now is, Kings of England made to the Burgesses of Liverpoole afores^d by virtue whereof the s^d Maior Bayliffes & Burgesses and others the s^d Def^{ts} claymed to have diverse of the s^d profitts Customes & Liberties mentioned in the s^d Bill of Complaint but it appeared not to this Court that the s^d Maior Bayliffes & Burgesses of the s^d Towne had ever any profitts of the premysses to their own uses but that at all times the King and Queens Majesties that now are and the progenitors of our s^d sovereign Lady the Queen have been continually & yearly answered of all the same premisses specified in the s^d Bill as in the right of the s^d Duchy of Lancaster for the space & time of 100 years & more now last past as by the records auditors rolls & other remembrances remaining of record in this Court as before in this present order is declared, it did manifestly appear to the s^d Chancellour & Councill of the s^d Duchy of Lancaster, Therefore & for diverse other Considerations the s^d Chancellour & Councill of the s^d Duchy of Lancaster moving, it is ordered & decreed by the s^d Chancellour & Councill of the s^d Duchy of Lancaster, that the s^d Complainants & their assigns & all & every their Deputy or Deputies & servants & every of them from henceforth shall & may quietly & peaceably at their Will & pleasure have hold

occupy & enjoy the s^d Town & Lordship of Liverpoole with the appurtenances in the s^d County of Lancaster one Botte & passage over the Water of Mercy and also the flesh shambles within the s^d Towne of Lyverpooles and also the stallage & Tolle of the marketts & faires & also the perquisites & profitts of the Courts holden & kept within the said Town of Lyverpolle and also the Customes ankerage & Kaytolle of the Water of Mercy in the s^d Town & Lordshippe of Lyverpoole or appertaining or belonging to the same with all the profitts arising coming or growing within the said Town & Lordshipp of Lyverpolle during all such Interest & Term of years as they the said Complainants have in the sayd Towne & Lordship of Lyverpoole & other the premisses yet to come & not expired without any Lett vexation trouble Impediment or Interruption of the said Maior Bayliffes & Burgesses or any other person or persons claiming any freedom or Liberty within the s^d Towne or Lordship or inhabiting or dwelling within the s^d Town or Lordship or by any other person or persons by his or their procurement abettment or assent or by th' assent or procurement of any of them and also It is ordered by the s^d Chancellour & Councill that the s^d Maior Bayliffes & Burgesses & other the Inhabitants of the s^d Towne & Lordship of Liverpoole or all other that be or hereafter shall be officers within the s^d Town & Lordship everyone of them shall peaceably & quietly permit & suffer the s^d Complainants & either of them their Executors & assignes & the Executors & assignes of either of them to have hold occupy & enjoy all & singular the premisses & every part & parcell of the same & also to permit & suffer the s^d Complainants & either of them their Executors & assignes & the Executors & assignes of either of them their Servants deputies & officers and every of them to keep Courts within the s^d Town of Liverpoole after such sort & manner and in such place & places as the Courts within the s^d Towne have been used to be kept and also to levy perceive receive gather & take all & singular the perquisites & profitts of Courts whatsoever they be arising and growing by reason of any Court kept within the s^d Town & Lordship of Liverpolle & also that all the Suiters & Inhabitants of the same Town & Lordship and all other persons that owe any suit to the Court of the s^d Town shall make & do their Suit & Service to the same Court in such sort manner & Condition as they & every of them heretofore have been used & accustomed to the Courts holden & kept within the said Town aforetime and also all & singular the profits of the s^d Custome arising & coming by any mean within the s^d Town & Lordship as well by all freemen of the same Town as also by all foreigners & Estrangers whatsoever they be that shall bring transporte or use any kind of Merchandise within the s^d Town or Lordship of Liverpooles or the Liberties of the same, and also the profitts of the Stallage passage Ankorage Kaytolle, profits of the fairs & Marketts within the s^d Town & Lordship and also all & singular other profits whatsoever they be belonging to or in any wise appertaining to the s^d Town of Liverpooles with th' appurtenances without any Lett vexation impediment Interruption or contradiction of the s^d Maior Bayliffes & Burgesses or other the Inhabitants of the s^d Towne & Lordship of Liverpoole or by any other person or persons by their commandment abettment or assent or any of them during all such term of years as the s^d Complainants have yet to come & not expired of & in the same Town & Lordship of Lyverpolle afores^d And it is further orderd

by the s^d Chancellour & Councill that the said Maior Bayliffes & Burgesses of the s^d Town & Lordship their Successors & assignes and all & every their officers within the s^d Towne or Lordship of Liverpoole and also all & every other person & persons clayming any Liberty or freedom within the s^d Town or Lordship of Liverpoole and all other the Inhabitants of the s^d Towne or the Liberties & Franchises of the same shall not from henceforth in any wise intermeddle with any Custome Tolle Stallage or any other profitts arising coming growing or used heretofore to be taken received perceived used levyed or had within the s^d Town & Lordship or the Liberties or Franchises of the same or any part thereof whatsoever unto such time as they shall shew and prove good & sufficient and also better matter why & wherefore they ought to have any manner of profits coming or arising within the said Town & Lordship of Liverpolle or the liberties or the franchises of the same Town & Lordship and the same to be so allowed by the s^d Chancellor & Councill of the s^d Duchy of Lancaster for the time being.

CARYLL.

10. IMPRISONMENT OF HUGH DAWBYE. 1556

[Duchy of Lanc. Judicial Proceedings ; Entry Book of Decrees and Orders, Mary, Lib. II, No. 11. See *Introduction*, 71-2].

Whereas Thom^s more maior of the towne of Lyverpole haith ben comitted to the p^rson of the flete for the breache of an Iniuncon awarded owte of this Courte for that he Imp^rsoned one Hugh Dawbye for the takinge of certen corne called Tolle corne wthin the towne of Lyverpole to the vse of the kinge and quenes farmores there cotrarrye to the tenure of the said Iniuncon & the same Hugh haith kepte in pryson there syns the fourth daie of Januarye last past to the great hurte and damage aswell of the said fermors as also of the said Hughe And for dyvers othere offenc^r committed by the said Thom^s in contempt of this Courte and whereas the said Thom^s more upon his humble submission vnto this Courte was & is this daie Released and discharged of his said Imp^rsom of the said flete It is nowe thereupon ordered this xjth daye of ffebruarye in this present terme of saint Hillarye that the said Hughe Dawby shalbe sett at libtie wth all spede convenient & wthowte delaye and also for-somoche as damags were Required for the Imp^rsoment of the said Hughe as is aforesaid aswell for the said fermors for there losse of his sarvice as for the said Hughe Dawby for his wrongfull Imprison^t And the said Thom^s more and m^r Harp^r one of his lerned Councell prayed openlie in this Courte that the said Thom^s more might be discharged of anie damags for the said Imprisonment by thorder of this Courte and that the said farmors and the said Hughe Dawbie might take there remedie at the coen lawe for the said Imp^rsom^t to the w^{ch} the Councell of the said farmors and the Councell of the sayd Hughe agreed It is therefore ordered by this courte by th^r assent of boithe the said p^rties that the said farmors & the said Hughe Dawbye maie at there lib^rtie Sue for suche hurte Losse and damage as they have Susteyned or had by the occacon of the said Imprysoment wythowte anye Restraynte of this Courte.

CARYLL.

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INDEX NOMINUM ET LOCORUM

- Abercromby Square : 141, 149.
 Ackers, William : 196, 202.
 Acres Mill : 74, 324, 328-34 *passim*, 337, 340-3 *passim*, 346-59 *passim*, 361.
 Adair, Sergeant : 131.
 Adam, son of Richard : 399.
 Adam, son of Richard of Liverpool : 302, 303.
 Ainsdale : 10.
 Akers, Henry : 327, 404.
 " see farm leases : 70, 330-6.
 Albany, Philip de : 155, 156.
 Allinson, Thomas : 239, 249.
 America : 97.
 Amery, John : 239, 249.
 Andoe, Thomas : 104 n. 3, 196, 202, 383-90 *passim*.
 Anne : Charter : 119, 259-65.
 Ansdale, Henry : 404.
 " Thomas : 404.
 " William : 404.
 Appleby : 21 n. 1, 398, 399.
 Arundel, Richard, Earl of : 161.
 Ashton, John : 212, 226.
 " Ralph, Sir : 197, 202, 239, 241, 242, 249, 250, 251.
 Aspinwall, Gilbert : 226.
 " Isaac : 391.
 Aterpole (see *Otterpool*).
 Athenaeum : 140.
 Atherton, Nicol de : 56 n. 4, 310-1.
 " Peter : 196, 202.
 " Richard, Sir : 197, 202, 204, 207, 211, 218, 225, 226, 229.
 Aylesbury, Mr. : 166.
 Aynessargh, Richard de : 51, 52, 302, 303, 305, 306.

 Bacon, Francis : 69.
 Baines, E. : 8.
 " T. : 8, 295.
 Baley, Ralph : 338.
 Banastre, Robert le : 157.
 Bank, William : 212, 226.
 Barber, John : 197, 202.
 Barlow, Andrew : 212, 226.
 Barker, Henry : 313, 314, 315.
 " John : 205.
 " Richard : 335-6.
 " Robert : 338, 340.
 Bayley, William : 196, 202.
 Beaumaris : 78.
 Beaumont, Henry de : 159.
 Bede, Richard : 165.
 Bedyll, James: see farm lease: 71 n. 8, 336, 345-8.
 Benn, James : 391-4 *passim*.
 Best, John : grant of ferry : 318, 319-20.

 Bewsey : 60 n. 2 ; 204.
 Bickesteth, Thomas : 196, 202, 381-5 *passim*, 391-4 *passim*.
 Birch, Thomas : 101.
 Birkdale : 11 n. 1.
 Birkenhead : 299, 300.
 Blaby, William : 299, 300.
 Blackrock Lighthouse : 140.
 Bluecoat Hospital : 126.
 Blundell, Bryan : 126, 127.
 " Henry : 275.
 " William : 197, 202.
 Bold, Peter : 212, 226.
 " Peter : 395.
 Bolton, John : 136, 138.
 " John : 340.
 " Thomas : 387.
 " Thomas de : 296.
 Bootle, Robert : 260, 261.
 " Thomas : 125, 266, 268-9.
 " Thomas : 384.
 Botanic Gardens : 140.
 Botchill, Hugh de : 314.
 Botiller, John le : 65 n. 1, 301, 302.
 " William le : 157.
 Bourne, Peter : 285.
 Braddyll, John : 345.
 Bramston, Thomas : 395.
 Branccker, Thomas : 285.
 Brede, John : 404.
 Brennand, John : 212, 226.
 Brettargh, James : 259, 260, 261.
 Bricksted, Thomas : 239, 249.
 Bridge, Thomas : 196, 202, 205, 212, 226.
 Briggs, Joseph : 239, 249.
 Bristol : 15, 16, 21 n. 1, 45, 55, 118, 123.
 Brooke, Peter, Sir : 197 : 202.
 Brookebanke, Thomas : 196, 202, 212, 226.
 Brown, Henry : 124, 131.
 " John : 299, 300.
 Brownlow, Lawrence : 384, 385, 388, 389, 390.
 Buckingham, Thomas, Earl of : 160, 161.
 Bullin, Richard : 285.
 Burgh, Hubert de : 155, 156.
 Bargoyn, John : 402.
 Barren, Arthur, 197, 202.
 Bury, Adam : 239, 249.
 Busbell, Richard : 196, 202.
 Butler, John, Sir : 60 n. 2.

 Cadogan, Lord : 395.
 Caldwell, Charles : 275.
 Carlisle : 123.
 Carr, Anthony : 212, 226.

- Carr, Robert, Sir : 191.
 Carter, Robert : 197, 202, 205, 212, 226.
 Caryll, John : 353.
 " John : 395.
 Case, John : 190.
 " Jonathan : 259, 260, 261.
 Castle : 11, 12, 38-9, 59, 60, 62, 99, 100, 118-9,
 297, 305.
 " Field : 2 n. 1.
 " Hey : 382, 383.
 " Street : 141.
 Caux, Geoffrey de : 296.
 Chancellor, John : 196, 202, 385-90 *passim*.
 Chapel Street : 145.
 Chapman, Thomas : 196, 202.
 Charles I : 246, 254, 385, 392.
 " charter : 91-4, 128, 132, 165-89, 204, 206,
 234, 236, 247, 277.
 " sale of lordship : 94, 336, 362-81.
 Charles II : 247, 254, 381, 384, 385.
 " charter : 88 n. 1, 103, 104-5, 107, 114,
 189-203, 204, 206, 234, 237, 248,
 265, 266.
 Chatburne : 387.
 Chawm, Thomas : 404.
 Cheesemonger's Co. of London : 123-4.
 Chester : 5, 6, 11, 326, 327.
 " struggle with : 9, 78-9, 81.
 Chorley, John : 205, 211, 212, 225, 226.
 Clarke, Adam : 8.
 " Humfrey : 362-81 *passim*, 382, 385, 387,
 389, 392.
 " Robert : 205, 212, 226.
 " Thomas : 391.
 Clarke Hill : 387.
 Clayton, Bridget : 395.
 " Robert : 205, 212, 226.
 " Thomas : 204, 205, 211, 212, 225, 226.
 " William : 391-4 *passim*.
 Clegg, Joseph : 128-9, 274-5.
 Clerke (see *Clarke*).
 Cleveland, John : 239, 249, 391-4 *passim*.
 Clifton, Mary : 395.
 Cobham, Thomas : 259, 260, 261.
 Cokayn, J. : 303, 304.
 Colchester, Thomas, Lord : 197, 202.
 Common Hall : 55, 81.
 Comyn, Alexander : 302, 303.
 Cook, Richard : grants of ferry : 61 n. 7, 74, 123,
 326-7.
 Cooke, Thomas : 197, 202, 212, 226, 259, 260.
 Corbett, Robert : 353, 405-9 *passim*.
 Corless, Henry : 196, 202, 383-90 *passim*.
 Courtrey, Robert : 313, 314.
 Courtney, Henry : 395.
 Coventry, Thomas : 181, 189.
 Coxshutt, John : 239, 249.
 Crane, John : 239, 249.
 Cressingham, Hugh de : 397, 338.
 Crombocke, Richard : 387.
 Crompton, William : 196, 202.
 Crosby : 7 n. 2.
 Crosse, Edmund : 61, 63, 316-7, 318, 323.
 Crosse, Edmund : fee farm leases : 61, 321-2.
 " Henry : 323.
 " " fee farm leases : 61, 324-6.
 " John : 205, 212, 226.
 " Richard de : 63, 313, 314.
 Crosse Hall : 63 n. 1.
 Crowther, John : 239, 249.
 Croxteth Park : 303, 304, 307, 308, 319.
 Culcheth, Christopher : 384.
 Cumberbeache, Martin : 405-9 *passim*.
 Cumberland, Elias de : 296.
 Cunliffe, Eil's : 127.
 Cunsough : 384, 385, 391.
 Customhouse : 5.
 Dale Street : 63.
 Davenport, John : 61 n. 7, 323.
 Dawbye, John : 71, 413.
 Derby, Earls of : 83.
 " Henry, Earl of : 69, 78 n. 5.
 " James, Earl of : 127, 259, 261, 269.
 " Robert de : 52, 306, 307.
 " William, Earl of : 89.
 " William, Earl of : 197, 202, 211, 225, 226.
 Derby Square : 253.
 Despenser, Geoffrey : 155, 156.
 Domesday Book : 1-2, 3, 4.
 Diggies, Charles : 239, 249.
 " Richard : 205, 212, 226.
 Ditchfield, Edward : 362-81 *passim*, 382, 385, 387,
 389, 392.
 Dobson, Robert : 88, 92, 167, 176, 186.
 Dryden, John : 107.
 Dukinson, William : 261.
 Dunkenhagh : 385.
 Duncan, Dr. : 149.
 Earle, Thomas : 275.
 " William : 275.
 " Willm : 275.
 Eastham Mill : 73, 316, 318, 333-4.
 Edge Lane : 387.
 Edmund of Lancaster (see under *Lancaster*).
 Edward the Confessor : 2.
 Edward I : 9, 38, 39, 296, 299, 300, 397, 398, 407.
 Edward II : 45.
 Edward III : 46, 300.
 " charter : 9, 10, 45-6, 157-9.
 " great seal : 158.
 Edward IV : 411.
 " fee farm leases : 318-26.
 Edward VI : fee farm lease : 345-8.
 Elizabeth : 72, 75, 87, 358-61 *passim*.
 " fee farm lease : 354-8.
 Ellames, Peter : 275.
 Eltham, John of, Earl of Surrey : 159.
 Enfield : 368, 377.
 " History of Liverpool : 8.
 Entwisle, John : 190, 197, 202, 204, 205, 207, 211,
 226, 236, 238, 239, 249.

Euyas, John de : 157.
 Everton : 3 n. 2, 7 n. 2, 133.
 Ewart, John : 285.
 Exchange : 204.

Fairclough, Thomas : 338, 340.
 Falkner Square : 141, 149.
 Fanabawe, John : 235.
 Fazakerley, Nicholas : 197, 202, 381-4 *passim*, 391.
 " Roger : 335-6.
 " Samuel : 190, 196, 202.
 " Samuel : 391.
 " Thomas : 404.
 " William : 382, 384-90 *passim*, 392, 395.
 Fernes, William : 261.
 Ferrers, Robert de : 38-40.
 " charter : 39-40, 45, 46, 156-7.
 " William de : 22 n. 1, 37-8, 295.
 " William de : 38.
 Fisher, Joshua : 205, 212, 226.
 Fitzakerley (see *Fenakerley*).
 Fitz Nicholas, Ralph : 155, 156.
 Fitz Philip, John : 155, 156.
 Fitzwarin, Henry : 6-7, 10, 12, 153.
 Fitzwilliam, William : 404.
 Flanders : 55.
 Fleet : 71, 413.
 Fleetwood, Robert : 196, 202.
 " William : 196, 202.
 Fletcher, John : 316.
 Foster, Thomas : 133, 138.
 French, Lee (see under *Lee*).

Gainsdon, John : 404.
 Gaitherde, William : 316, 317.
 Galloway, Thomas : 196, 202.
 Gamon, John : 239, 240.
 Garnet, Alexander : 338, 340.
 " William : 311, 312.
 Garston : 3 n. 2, 7 n. 2.
 Gaunt, John of : 53, 55, 56, 160, 161, 304.
 " fee farm leases : 47-8, 55, 305-8.
 " Edmund : fee farm lease : 71, 343-5, 411.
 " Thomas : 391.
 George II : 362.
 " charter : 265-74, 277, 279, 283-4.
 " great seal : 271.
 George III : 121.
 " charter : 128, 274-82.
 " great seal : 276-7.
 George IV : charter : 282-6.
 " great seal : 282.
 Gerard, Gilbert : 191.
 Gerrard, Thomas : 205, 212, 226.
 Gildas, Thomas : 205, 212, 226.
 Gildhouse (see *Gildas*).
 Gladstone family : 148.
 Goisfred : 4.
 Gorge, Lieutenant-General : 261.
 Great George Square : 141.
 Great Old Field : 5 n. 1.

O I

Greene, Charles : 205, 212, 226.
 " Edward : 197, 202.
 Greenhead : 387.
 Gregory, John : 404.
 Grenolf, William de : 51, 52, 302, 303.
 Griffiths, Alice : fee farm leases : 70, 327, 329-31.
 " David : 64, 70, 74, 322, 327.
 " fee farm leases : 64, 70, 328-30.
 " Robert : 329.
 Grygelynd, Thomas a. : 404.
 Hale, Robert : 316, 317.
 Halghton, Thomas : 335-6.
 Halsall, Edward : 10, 83, 85, 90.
 " Henry : 260, 261.
 Halton : 297.
 Harper, Henry : 260, 261.
 " John : 261.
 Harrington : 134.
 Hartley, John : 384.
 Harvey, David (see *Griffiths*).
 Heath, John : 191.
 Heathy Lands : 5 n. 1.
 Heighlford, John : 362-81 *passim*, 382, 385, 387, 389, 392.
 Henry de Lee (see under *Lee*).
 Henry I : 6.
 " legendary charter, 8-10.
 Henry II : 6.
 " legendary charter : 6, 8-10.
 Henry III : 37, 38.
 " charter : 9, 20-36, 46, 68, 123, 154-6, 204, 398, 399, 406, 407.
 " fee farm lease : 9, 21-2, 296.
 Henry IV : 48, 55, 56, 161, 308, 373, 380.
 " grant to Nicol de Atherton : 310-1.
 Henry V : 58, 62, 309, 399, 400.
 " charter : 55, 77, 161-3.
 " fee farm lease : 311-2.
 " great seal : 162.
 Henry VI : 313-7 *passim*, 373, 381, 410, 411.
 " fee farm lease : 313-4.
 Henry VII : 65, 410, 411.
 " fee farm leases : 327-30.
 " writ of quo warranto (1498) : 67, 401-2.
 Henry VIII : 73, 403.
 " commission *re tolls* : 68, 76-7, 402.
 " fee farm leases : 330-3, 336-8, 340-3.
 Henry of Lancaster (see under *Lancaster*).
 Herryson, William : 404.
 Hesketth, Richard : 402.
 Hewston, Levinus : 236, 238, 239, 249.
 Higginson, Henry : 196, 202, 205, 212, 226, 384.
 High Street : 60.
 Hogbe, Christopher : 338-9, 411.
 Holcroft, Thomas : 345.
 " fee farm lease : 70, 71 n. 8, 336-8, 339, 350-3 *passim*, 345-8 *passim*.
 Holland, Robert de : 42, 297-8.
 Holonde, Thurstan de : 15.
 Holt, George : 205, 212, 226.
 " Richard : 212, 226.

- Hope, John : 338, 340.
 Houghton, Richard : 205, 207, 211, 212, 226, 391-4 *passim*.
 Hoylake : 134, 144.
 Hughes, John : 125-8 *passim*, 269.
 Hughson, Levinus : 391-4 *passim*.
 Hull, John de : 51, 52, 305, 306.
 Hulme, Richard de : 306, 307.
 Hult (see *Holt*).
 Huntingdon : 136-7.
 Hurst, William : 239, 249.
 Husbunde, Richard : 235.
 Hutton, Thomas : 395.
 Huyton : 11 n. 1.
 " John : 261.

 Inge, William : 398, 399.
 Ipswich : 22-3, 24 n. 1, 28, 29.
 Ireland : 11, 45, 261.
 " Gilbert, Sir : 190.
 " John : 335-6.
 " trade with : 20, 123.

 James I : 87, 373.
 " fee farm lease : 358-62.
 James II : 106.
 " charter : 88 n. 1, 107-9, 204-32, 266.
 " great seal : 205.
 James, John : 404.
 Jeffrey, Sir George : 107, 204.
 Jerome, James : 108 n. 1, 196, 202, 385-91 *passim*.
 John : 6, 7, 11.
 " letters patent : 7, 10, 11-19, 90, 153-4, 290, 292-3, 300, 397-400 *passim*, 407.
 " visit to Lancashire : 11-12.
 John, Bishop of Winchester : 159.
 " of Gaunt (see *Gaunt*).
 Johnson, George : 333-4.
 " Thomas : 104 n. 3, 106, 110, 114, 196, 202, 236, 238, 239, 249, 381-4 *passim*, 385-90 *passim*.
 " Thomas, Sir : 104 n. 3, 110, 239, 249, 259, 266, 267, 391-4 *passim*.
 Jones, Richard : 239, 249.

 Kelyng, Denis : 301, 302.
 Kingwood, Abbot de : 296.
 Kirkby : 11 n. 1, 385.
 Kirkdale : 11 n. 1, 133.
 Knowsley : 11 n. 1.

 Lacys : 11.
 Lady, John : 239, 249.
 Lake, Robert : 261.
 Lancaster : 11, 123, 257, 259, 303, 304, 400, 401, 402.
 " Castle : 6, 307, 308.
 " Edmund, Earl of : 23, 40-1, 52, 397, 398.
 " " " *inquisitio post mortem* : 40, 297.

 Lancaster, Henry, Earl of : 13 n. 3, 44, 45.
 " " " extent of lands, 299-300.
 " Henry, Duke of : 46-7, 48, 309.
 " " " extent of lands : 33, 301-2.
 " " " fee farm lease : 47, 48, 302-4.
 " Sheriff : 21, 22.
 " Thomas, Earl of : 40, 41-2, 44, 45, 297.
 " " " grant of moss : 42, 46, 76, 301.
 " " " *inquisitio post mortem* : 298-9.
 Lathom, Richard : 108.
 " Robert de : 157.
 " Thomas de : 56, 309.
 " " fee farm lease : 60 n. 4, 313-5.
 Lawrence, Charles : 285.
 " William : 299, 300.
 Lee, French : 10.
 " Henry de : 39, 157, 296.
 Legh, Thomas : 197, 202, 212, 226.
 Leicester : 28, 37, 51 n. 1.
 Leigh (see *Legh*).
 Lewis, Edward : 205, 212, 226.
 Leyland, William : lease of mill : 61 n. 7, 318-9.
 Lightbourn, James : 204, 205.
 Litherland : 10.
 Little Crosby : 11 n. 1.
 Littledale, Thomas : 285.
 Little Old Field : 5 n. 1.
 Liverpool : earliest mention : 1, 7, 10.
 Lloyd, William : 239, 249.
 London : 118, 123, 124, 327, 328, 329, 330, 331, 332, 333, 337, 338, 342, 343.
 " sale of lordship to : 94-5, 362-81.
 Longstable : 301, 302.
 Lord Street : 5, 11, 99, 141.
 Lovel, Henry : 157.
 Lunt, Richard : 316.
 " Robert : 316, 317.
 Lurting, John : 196, 202.
 " Peter : 101 n. 2, 103 n. 3, 196, 202, 385-90 *passim*.
 " Richard : 239, 249.
 Lyceum : 140.
 Lyme, Oliver : 108, 109, 197, 202, 206, 212, 226.
 Lynn : 55.

 Maghull : 11 n. 1.
 Maitland, F. W. : 34.
 Man, Isle of : 59.
 Manchester : 12.
 Marlborough : 155, 156, 296.
 Marsden, Thomas : 197, 202, 205, 212, 226.
 Martin, Henry : 261.
 Massey, John : 395.
 " Mary : 395.
 Maudit, Jasper : 109 n. 3, 239, 241, 242, 249, 250, 251, 266, 267, 391-4 *passim*.
 Meola, North : 4, 11 n. 1.
 Mercer, Ralph : 261, 387.
 " Robert : 387.
 Mersey : 2, 5, 6, 11, 16, 21, 37, 74, 134, 139, 297, 298, 299, 302, 303, 306, 307, 316, 317, 321, 323, 326-39 *passim*, 344-61 *passim*, 364, 375, 386, 388, 392, 403, 405, 406, 412.

- Middle Mill : 73, 318.
 Morles, Nicholas de : 155, 156.
 Moldkirke : 309.
 Molineux, William le : 157.
 Mollineux : (see *Adolynus*).
 Molyneux, Anthony : 261.
 " Caryll, Lord : 98, 100, 115.
 " " quarrels : 98-100.
 " " lease of lordship : 100, 181-91, 194.
 " Dorothy : 395.
 " family : 60 n. 1, 62, 65, 69.
 " John : 196, 202.
 " Richard, Sir : 75, 76, 77, 165, 345.
 " " fee farm leases : 71-2, 340-5, 349-53.
 " " quarrels : 76, 81, 405-13.
 " Richard, Sir : 89.
 " " fee farm leases : 89, 354-62.
 " Richard, Lord : 94-5, 364, 375.
 " " purchase of lordship : 95, 96, 381, 385-6, 392.
 " Richard, Sir : 59.
 " Richard : 336.
 " Richard : 382, 388.
 " Richard : 391-4 *passim*, 395.
 " William, Sir : 68, 71, 77, 405.
 " " fee farm leases : 70-71, 75, 336, 338-45.
 " William : 285.
 " William, Lord : 391-5 *passim*.
 " William : 349-58 *passim*, 400, 400.
 " William, Sir : 402.
 Montacute, John de : 160, 161.
 Montfort, Simon de : 38, 40.
 Moore, Edward, Sir : 80 n. 7.
 " Edward : 165.
 " Elizabeth : 387.
 " John, Colonel : 96.
 More, John : 353.
 " John : 398, 399.
 " John de : 51, 52, 301, 302, 303.
 " John de la : 47.
 " Robert : 9.
 " Robert : 163.
 " Robert : lease of mill : 61 n. 7, 313, 314, 316, 318-9.
 " Robert del : 299, 300.
 " Roger le : 299, 300.
 " Thomas : 10.
 " Thomas : 71, 163, 413.
 " Thomas : 353.
 " Thomas del : 52, 306, 307.
 " William : 403.
 Moss, Robert : 275.
 Moss Lake : 25, 42, 76, 313, 314, 315.
 Mosse, Francis : 362-81 *passim*, 382, 385, 387, 389, 392.
 " Richard : 28.
 Mossock, Henry : 313, 314.
 Municipal Buildings : 153.

 Nebb Mill : 316.
 Neofeld, William de : 305, 306.

 Nevill, Ralph de : 159.
 Normandy : 12.
 Norris, Alexander : 114.
 " Edward : 259, 260.
 " Henry : 340.
 " papers : 232, 234.
 " Richard : 236, 238, 239, 249, 259, 266, 267, 391-4 *passim*.
 " Thomas : 212, 226, 239, 241, 242, 249, 250, 251.
 " William, Sir : 72, 78 n. 5, 83, 405-10 *passim*.
 North Meols (see *Meols*).
 Norwich : 55.
 Nottingham, Robert de : 298.
 Nottingham : 326.
 Nutter, John : 382, 385-90 *passim*, 392.
 " Robert : 387.

 Okill, Charles : 142-3, 295, 306.
 Old Hall : 63 n. 1.
 Orrell : 41, 298.
 " Robert : fee farm lease : 61 n. 4, 320-1.
 Otterspool : 163.

 Parker, John : 212, 226.
 Parliament Street, Upper : 139.
 Pateshi'l, Simon de : 154.
 Peasants' Rising : 53.
 Pendle : 385.
 Percy, Henry de : 159.
 Perrot, John, Sir : 366, 376.
 Peters, Ralph : 259, 261.
 Philip and Mary : 345, 405, 407.
 " charter : 10, 77, 94, 163-5.
 " fee farm lease : 349-52.
 " great seal : 164.
 Philodemus : 235.
 Pictou, Sir James : 156, 397.
 Pogden, Henry : 334.
 " Roger : 334.
 Pool : 4-5, 139, 299, 300, 382.
 " Lane : 141.
 Poole, David : 205, 212, 226.
 " William : 60 n. 2.
 Pope, John : 204, 205.
 Precson, Thomas : 196, 202.
 " William : 212, 226, 239, 249, 391-4 *passim*.
 Prescott, James : 196, 202, 205, 212, 226.
 " John : 384.
 Prestwyk, William : 163.
 Prior, Joseph : 239, 249, 384.

 Radcliffe, John, 391.
 Randulf, Bishop of Chichester : 155, 156.
 Ranulf, Earl of Chester : 37.
 Ravenmeols : 10.
 Raynford, William : 338.
 Ribble : 2, 6, 11, 37, 134, 144.
 Richard I : 6.

- Richard II: charter: 10, 52-3, 55, 77, 159-61, 407, 408.
 " great seal: 159.
 Richard III: 10, 410, 411.
 Richard of Liverpool: 398, 399.
 " son of Robert: 299, 300.
 Richardson, Roger: 212, 226, 239, 249.
 Richmond, Henry, Rev.: 114, 265-8.
 " Richard: 259, 260.
 " Silvester: 102, 103, 108, 109, 196, 202, 205, 206, 211, 212, 225, 226, 385-90 *passim*.
 Rideing, William: 261.
 Robert, Bishop of London: 160, 161.
 " Rector of Walton: 157.
 " son of Matthew of Liverpool: 302, 303.
 Robinson, Henry: 387.
 Roby: 11 n. 1.
 " William de: 306, 307.
 Rochester, Robert, Sir: 405.
 Roger of Poitou: 4, 6, 11 n. 4.
 Rollins, William: 239, 249.
 Roper, Robert: 197, 202, 212, 226.
 Roscoe, William: 121.
 Rose, John: 261.
 " Joshua: 275.
 " Richard: 260, 261.
 Royal Institution: 140.
 Runcorn: 404.
 Rye House Plot: 107.
- St. George's Church: 122.
 St. James' Mount: 141.
 St. Mary by the Quay, Chapel: 35.
 St. Nicholas' Chapel: 35, 73, 115, 147.
 St. Peter's Church: 97, 115, 147.
 Salford: 12.
 Saltoneasmore: 42-3, 45, 47, 29^e, 302.
 Sampson, Richard: 404.
 Sandford, John: 236, 239, 240, 249, 250.
 " Thomas: 196, 202, 207, 212, 226.
 Sandwich: 55.
 Savoy: 304, 306.
 Scotland: 45.
 Scrope, Richard le: 160, 161.
 Seacombe, Ralph: 93.
 " Robert: 205, 212, 226, 385-90 *passim*.
 " Robert: 196, 202, 204, 205, 211, 212, 225, 226, 239.
 " Thomas: 405-9 *passim*.
 " William: 335-6.
 Secome (see *Seacombe*).
 Seddon, Richard: 205, 212, 226.
 Sefton: 338, 405.
 " Charles, Lord: 119, 395.
 Segrave, Hugh de: 160, 161.
 Sekerston, Ralph: 78, 338, 340.
 Sharplesse, Cuthbert: 239, 249.
 Shaw, Richard: 205, 212, 226.
 " Thomas: 196, 202.
 Sheilda, Robert: 239, 249.
 Sheriffacres: 24 n. 1.
 Shrewsbury, Duke of: 234, 235.
- Simonswood: 303, 304, 307, 308, 319.
 Skerton: 304, 305.
 Smarley, Henry: 261.
 Smith, Henry: 212, 226.
 Somers, John, Lord: 247, 254.
 Sotherne, James: 166, 172, 184.
 Southampton: 15.
 Spanish Trading Co.: 68, 79.
 Sparling, John: 275.
 Speke: 4, 72.
 Stanley, family: 59, 60 n. 1, 62 (see also under *Derby*).
 " James: 323.
 " John, Sir: 59.
 " Thomas: 59.
 " Thomas, Lord: 61, 62, 323.
 Starkey, Lawrence: 402.
 Steadman, Benedict le: 301, 302.
 Stephen of Blois: 6.
 Stoner, William, 340.
 Storey, John: 165.
 Strange, Henry, Lord: 72, 353.
 " James, Lord: 166, 172, 184.
 Stursaker, John, 23 n. 3, 385-90 *passim*.
 Sussex, Robert de: 298.
 Sweeting, Thomas: 239, 249.
 Syer, Thomas: 260, 261.
- Tarleton, Clayton: 275.
 " Edward: 196, 202, 205, 212, 226, 385-90 *passim*.
 " Henry: 345.
 " Richard: 166, 172, 184.
 " Richard: 196, 202, 205, 211, 212, 225, 226.
 Tatham, William de: 297.
 Tatlocke, John: 381-4 *passim*, 387-90 *passim*, 394.
 " John: 391-4 *passim*.
 Tayler, George: 239, 249.
 Thingwall: 3 n. 2, 7 n. 2.
 Thomas, John: 239, 249.
 " of Lancaster (see under *Lancaster*).
 Thomasson, John: 233-4.
 " Nicholas: 335-6.
 Thoraby, John: 163.
 Tithebarn Street: 69 n. 4.
 Torbock, 11 n. 1, 163.
 Tower: 59, 60, 62, 119.
 Town Hall, 5, 35, 60, 81, 116, 140.
 Townsend, James: 239, 249.
 " Mill: 73, 318, 333-4.
 Toxteth Park: 133, 134, 149, 163, 298, 299, 302, 303, 304, 306, 307, 308, 313, 314, 316, 319.
 Travers, Humphrey: 212, 226.
 " James: 197, 202.
 " John: 205, 212, 225, 239, 249.
 " John: 298.
 " William: 196, 202, 205, 212, 226, 239, 249.
 Traviss (see *Travers*).
 Troughton: History of Liverpool: 8.
 Tyrer, George: 125-8 *passim*, 269.
 " Thomas: 205, 212, 226, 239, 249, 391-4 *passim*.

- Vernon, James : 197, 202, 205, 212, 226.
 Victoria : charter (1880) : 290-2.
 " " (1893) : 292-3.
 " great seal : 290, 292.
- Wainwright, Bailiff : 261.
 Wales : 20.
 Walker, Henry de : 301, 302.
 " John : 335-6.
 " Richard : 275.
 " Richard : 338.
 " Roger : 338.
 " Roger : 353, 405-9 *passim*.
 " Thomas : 335-6, 338, 339.
 " William : 335-6, 338.
 Walkesey Pool : 139, 141.
 Walsley, Thomas, Sir : 382, 385-90 *passim*, 392.
 Walsman, Alan : 398, 399.
 Walsingham, Francis, Sir : 69.
 Walton : 115.
 " Church : 69.
 " Henry de : 303, 304.
 " Richard de : 299, 300, 301, 302.
 Wamberg, John de : 13 n. 3. 301.
 Warin : 6.
 Warringham, Richard : 340.
 " Thomas : 205, 212, 226.
 Warrington, 261.
 Warwick : 37.
 " Thomas, Earl of : 160, 161.
 Waterford : 123.
 Wavertree : 3 n. 2, 7 n. 2, 334.
 " Mill : 74, 324, 328-34 *passim*, 337, 340-61 *passim*.
 Webb, John : 212, 226.
 Webster, Thomas : 384.
 West Derby : 5, 133, 137, 346, 347.
 " Castle : 2, 12, 38 n. 2.
 " hundred : 4, 7, 11, 16, 21.
 West Derby : manor : 1, 2-3, 7, 12, 24 n. 1, 89, 299, 300, 311.
 " manorcourt : 2, 3, 7.
 West Indies : 97.
 Westminster : 160, 161, 162, 165, 181, 189, 199, 203, 233, 234, 236, 247, 254, 260, 263, 264, 265, 274, 286, 290, 292, 293, 319, 320, 321, 322, 324, 325, 347, 348, 356, 358, 364, 374, 402, 406.
 Wexford : 123.
 Whalley : 387.
- Whitefield, Richard : 404.
 Whittle, John : 260, 261.
 Wigan : 123.
 William I : 6.
 William II : 6.
 William III : 109, 391.
 " charter (1695) : 88 n. 1, 105, 110-5, 125, 129, 189, 234-54, 265, 270, 272, 277, 278.
 " charter (1698) : 114, 255-9.
 William and Mary : charter : 109, 232-4.
 William IV : charter : 286-90.
 " great seal : 286-7.
 William, Archbishop of Canterbury : 160, 161.
 " " York : 159.
 " Bishop of Winchester : 160, 161.
 " de Liverpool : 301, 302, 303.
 " of Blois : 6.
 " " Walton : 157.
 " son of Adam : 45 n. 1, 51, 52, 302, 303, 305, 306.
 Williamson, Adam : 299, 300.
 " Edward : 212, 226.
 " James : 8.
 " John : 196, 202.
 " Joshua : 196, 202.
 " Ralph : 197, 202.
 " Richard : 23 n. 3.
 " Richard : 196, 202, 205, 212, 226.
 " Robert : 196, 202, 385-90 *passim*.
 " William : 196, 202, 204, 211, 212, 225, 226, 239.
 Willis, Thomas : 259, 260.
 Winckley, Thomas : 395.
 Windle, Richard : 196, 202, 204, 205, 211, 212, 225, 226, 239, 249.
 Winstanley, Gerard : 205, 207, 211, 212, 226.
 " John : 9.
 " John : 405-9 *passim*.
 Wirral : 5, 79.
 Wolveton, John de : 305, 306.
 Wood, Anthony : 196, 202.
 Woolton : 11 n. 1.
 Worrall, William : 205, 212, 226.
 Wright, John : 259, 260.
 " Thomas : 197, 202.
 Wyndhill, Alan de : 157.
 Wynne, Watkin Williams, Sir : 395.
- York : 55, 159.
 d'Yprea, Rankin : 304-5.

INDEX RERUM

- Acre, Cheshire : 12.
 Agriculture : burgage arable holdings (see under *Burgages*).
 " fields, open : 3, 5, 18.
 " new : 43, 44.
 " fines for admission to lands : 45.
 Aldermen : 28, 51-2, 82, 84, 85, 87, 93, 219, 230.
 " appointment, method : 32, 51, 82, 85, 210, 225, 238, 248-9.
 " gild : 32.
 " J.P.'s as : 92, 128, 177, 187, 240, 241, 250, 251, 273, 277-81.
 " nomination : 211, 225, 239, 249.
 Ale, Assize of (see under *Assize*).
 " founders : 25.
 Allegiance (see *Supremacy*).
 Anchorage dues : 74, 76, 139, 301, 302.
 " included in fee farm leases : 74, 331, 332, 315-59 *passim*, 361, 364, 375, 388, 392, 406.
 Arrest, power of : 56, 67-8, 309.
 Assemblies : 25-7, 81-2, 84-6, 88, 111.
 " election of officers at : 25, 32, 36, 81, 92, 103, 111, 125, 126, 244-5, 253, 173-4, 185-6.
 " quarrels with Council (see under *Council*).
 " relation to Portmoot : 26-9, 80-1.
 Assessors (see *Priors*).
 Assize, bread and beer : 45, 47, 50, 67, 74, 303, 306, 307, 401.
 " rent : 22 n. 1, 40, 295, 297.
 Audit of Accounts : 130, 275, 276.
 Bailiffs : 22-4, 31, 41, 210, 225, 237, 248, 397, 398.
 " accounts : 22.
 " coroners, as : 285-6.
 " duties : 17-8, 24, 29, 82-3, 141.
 " election : 81, 92, 105, 107, 111, 173-4, 185-6, 191, 197, 202, 220, 230, 238, 249.
 " ex., as members of Council : 88.
 " lord's : 38, 41, 49.
 " mayor's : 49, 81, 83, 92, 191.
 " nomination : 172, 184, 211, 226, 238, 249.
 " oath : 174, 185, 219, 230, 241, 250.
 " royal : 16, 17-8, 19, 21, 23, 30.
 " sub- : 216-7, 228-9, 242-4, 251-2.
 " water : 79, 81.
 Bargains, town : 35-6, 80, 120.
 Baths, public : 140.
 Bellman : 142.
 Berewick : 1, 3, 6, 7.
 Bishopric, foundation : 291.
 Borough : boundaries : 4, 5, 134.
 " courts (see under *Borough, Portmoot, Mayor, and Passage*).
 " creation : 11-19, 20, 153, 154, 155, 156, 168, 182.
 " decay in XV century : 55, 58-62, 68, 69.
 " incorporation : 91, 167-9, 181-3, 192-3, 200, 206, 208-9, 224.
 " independent conduct : 88-9.
 " officers (see *Officers*).
 " ownership of land by : 42, 46, 63-6, 81, 91, 118-9, 139-40.
 " population : 87, 133-5.
 " prosperity, increasing : 45, 87, 97, 118, 133-4, 259-60.
 " quarrels with Chester : 78-9, 81.
 " " Molyneux family : 72, 76-7, 81, 89-90, 95, 96, 98-100.
 " Surveyor : 142.
 Bribery at elections : 135-6, 137.
 Bridge over pool, Molyneux's : 99, 100, 382-3.
 Burgages : 12-14, 35, 154.
 " arable holdings : 12-13, 14, 43, 44.
 " division : 33-4, 301-2.
 " fee farm leases, excluded from : 382, 389, 392.
 " " included in : 39, 47, 73.
 " holders : 14, 25, 29, 32, 33, 80, 90.
 " number : 13, 44, 80.
 " rent : 12-13, 16, 21, 38, 39, 40, 41, 44, 298, 299, 300, 301-2, 316.
 Burgesses (see *Freemen*).
 Burleymen : 25.
 Butchers' shambles, farm : 316, 317.
 " " fee farm leases, included in : 74, 317-364 *passim*, 375, 388, 391, 405, 406.
 Castle (see also under *Lancaster, Liverpool and West Derby*) : 297, 299, 300.
 " constable : 59, 60 n. 1, 65, 69, 100.
 " demolition : 119.
 " dovecot : 40, 44, 297-302 *passim*.
 " garden : 40, 298.
 " herbage of ditch : 47, 48, 297-303 *passim*, 307.
 " orchard : 44, 299, 300, 303, 309.
 " privileges : 39.
 Chantry rents : 73.
 Charters (see also under names of *Grantees*) : 8, 9-10, 37, 38, 39-40, 77, 90, 153.
 " attempts to secure new : 163, 165-6, 189-90, 204-5, 234-5, 259-61, 265-71.

- Charters : docket : 166, 206, 235.
 " purchase : 20, 40, 45, 52, 154, 158, 159,
 160, 161, 163, 165, 181, 189, 247, 254.
 Churches and Chapels (see also under special names) :
 35, 115, 118, 119, 122, 139.
 City, elevation to rank : 290-2.
 Civil War : 97-8.
 Cockett Seal (see under Seal).
 Common Clerk (see *Town Clerk*).
 " Council (see *Council*).
 " Hall (see also *Assembly*) : 35, 76.
 " Warehouse : 36.
 Constable : Lancaster Castle : 6.
 " Liverpool Castle (see under *Castle*).
 Coroner : 281, 283-6.
 Coroner's Court : 144.
 Corporation : beginnings of corporate body : 19, 31,
 42, 46, 64, 90.
 " incorporation (see under *Borough*).
 " lord of manor, as : 64-6.
 " powers : 170-2, 183-4.
 Council, Common : 34, 87-8, 93-4, 101, 137-41.
 " beginnings : 79-86.
 " breakdown : 145-9.
 " Burgesses, non-resident, in : 197, 202, 212,
 226.
 " Committees : 138, 142.
 " disputes in : 122-4.
 " election : 84, 85, 105, 129-30, 197, 202,
 220, 230, 275.
 " nomination : 196-7, 202, 212, 226, 239,
 249-50.
 " numbers : 84, 85, 87, 105, 111, 114, 137,
 191, 196, 202, 210, 225, 237, 248.
 " oath : 205, 218-9, 230, 241, 251.
 " powers : 105, 107, 111, 112-3, 139, 191,
 192-3, 197, 200, 202, 209-10, 224-5.
 " procedure : 116-7.
 " quarrels with Assemblies : 84, 103, 112,
 125-32, 268-71, 274-6.
 " quorum : 112, 138, 191, 197, 202, 240,
 250.
 Court of Requests : 144.
 Courts, Borough (see also under *Portmoot, Passage,*
 and Mayor) : 15-16, 18, 20-1, 24, 25-31,
 41, 43, 45, 47, 57-8, 62-3, 89, 141-5, 399-
 401, 412.
 " profits : 16, 21, 40, 44, 45, 297-302 *passim*,
 316, 317.
 " " fee farm leases, included in : 47, 58,
 63, 74, 302-64 *passim*, 375, 388,
 392, 405, 406.
 " roll : 22, 45.
 Custom duties (see also *Anchorage*) : 36, 75, 301, 302.
 Customers : 36.

 Danegeld : 3.
 Debts, recognizances : 174-7, 186-7.
 Docks : 140, 146-7.
 Domesday Book (see *Domesday*).
 Dovecot (see under *Castle*).
 Dues (see *Tolls*).

 Fairs : 17, 40, 44, 401.
 " days : 27, 298, 299, 300.
 " fee farm lease, included in (see under *Market*).
 " grant : 17, 309.
 " pie powder, courts : 18.
 " tolls : 298, 299, 300.
 Fee Farm Leases (see also under names of *Grantees*
 and Grantors) : 21, 22, 16, 39,
 56-7, 60-2, 64, 65, 68, 69-71,
 72, 73-6, 89, 296, 304, 306,
 311.
 " " powers included in : 73-6.
 " " rent : 22, 39, 47, 48, 55, 58 n. 2,
 60-2, 68, 94, 99, 296, 303-95
 passim.
 Felons' chattels : 47, 48, 303, 304, 306, 307.
 Ferry : 5, 18, 41, 74, 96, 96, 318, 321,
 " commission *re* : 403-4.
 " term : 44, 46, 61, 62, 74, 298, 319-20, 323,
 326, 327.
 " fee farm lease, excluded from : 100, 182, 189,
 392.
 " " " included in : 47, 74, 301-75
 passim, 405.
 " profits : 16, 21, 40, 297, 299, 300.
 Fields (see under *Agriculture*).
 Fishing : 5, 6, 21, 101, 102, 403.
 Foreigners : 16, 35, 16.
 " admission as freemen (see under *Freemen*).
 " tolls : 17, 21, 25, 35, 41, 71, 76, 76, 78,
 79, 89, 101.
 Free Boroughs : 15, 16, 20, 154.
 Freemen : 32, 80, 120-2, 134-7.
 " admission : 32, 34, 35, 68, 77, 80, 102,
 104, 105, 120, 126, 197,
 202, 402.
 " " fines for : 80, 120.
 " quarrels with Council (see under *Council*).
 " relation to burgesses : 33-4, 80, 135, 146.
 " trading privileges (see under *Gild*).

 Gaol : 60, 145.
 " governor : 142.
 Garden (see under *Castle*).
 Guild Merchant : 31-6, 401.
 " aldermen : 32.
 " beginnings : 19, 20.
 " burgesses, identity with : 32-4, 80.
 " courts : 32-3.
 " funds : 21, 34-5, 36.
 " grant : 15, 41, 154, 155-6, 300, 398, 399, 400
 407.
 " hansa : 21, 31, 32, 34, 80, 155, 156, 110, 398,
 399, 400, 401, 405.
 " membership : 21, 32, 33.
 " powers : 35-6.
 " seneschals : 33.
 " trade monopoly : 21, 31-2, 35, 52-3, 55, 77-8,
 94, 121, 155, 156, 160, 161, 164, 165, 300,
 401, 402, 406-7.

- Hallage : 76, 123.
 Hansa (see under *Gild Merchant*).
 Hayward : 25.
 Hundred : courts : 4, 15-6.
 " West Derby (see under *West Derby*).
 " partial freedom from : 15-16, 21, 155, 156,
 303, 304, 307, 308, 398, 401, 408.
- Infangenethef : 30, 155, 156, 300, 397, 398, 401,
 408.
- Justices of the Peace : Aldermen as : (see under
Aldermen).
 " Mayor as : (see under *Mayor*).
- Keeper of the Townhall : 142.
 Keytoll (see *Anchorage*).
- Levellookers : 36, 81.
 Leys : 80, 81, 166, 190.
 Liverpool (see under *Borough and Lordship*).
 Lordship : items included in : (see also under *Butchers'*
Shambles, Courts, Ferry, Market, Tolls),
 73-6, 364-7, 374-7, 386-7, 388-9, 391-2.
 " leases (see *Fee Farm Leases*).
 " purchase by corporation : 119, 395.
 " " London : 94-5, 362-81.
 " " Lord Molyneux : 95, 381.
 " royal grant to barons : 36, 37-54.
 " royal occupation : 6, 7, 12, 36, 37, 40, 44,
 55-8.
- Manor : 1-2, 6-7.
 " courts : 1-2, 3, 18, 27.
 " West Derby (see under *West Derby*).
 Markets : 17, 139.
 " days : 259-60, 261, 263, 264, 401.
 " farm : 44, 46, 298.
 " fee farm leases included in : (see also
 under *Tolls*), 46, 72, 74, 75, 296, 301,
 302.
 " grant : 17, 119, 259-61, 262-5.
 " regulation : 24, 25, 38.
 " tolls : 40, 119, 139, 260, 261, 263, 264,
 265, 297, 298, 299, 316, 317.
 Mayor : 23, 28, 49-52, 82-3, 116, 170, 183, 210, 225,
 237, 248, 401, 402.
 " allowance : 140, 141.
 " Coroner, as : 281, 283-5.
 " court (see also *Court of Passage*) : 50, 83, 92,
 143.
 " Deputy : 83, 218, 229, 244, 252-3.
 " election : 50, 81, 92, 103, 104, 105, 107,
 111, 125, 172-3, 184-5, 191, 197, 202,
 220, 230, 238, 249.
 " J.P., as : 50, 83, 92, 106, 114, 128, 177, 187,
 191, 193-6, 200-2, 213-6, 226-8,
 240, 241-2, 250, 251, 255-9, 277-9.
- Mayor, J.P., ex-Mayor, as : 193-4, 200-1, 213-5,
 226-8, 240, 241-2, 250, 251, 272-3,
 278-9.
 " Lord : 290-1.
 " nomination : 172, 184, 210-1, 225, 238,
 249.
 " oath : 173, 185, 204, 218, 229-30, 241,
 250.
 " powers : 49-50, 51, 82, 84, 141, 191, 197,
 202, 217-8, 229.
 Mayor's Brethren (see *Aldermen*).
 M.P.s. : 43-4, 69, 87, 97.
 " elections : 69, 87, 97-8, 106, 108, 109, 135-6.
 Merchants, Statute of (see *Statute*).
 Mills : Acres (see *Acres Mill*).
 " Eastham (see *Eastham Mill*).
 " farm : 46, 61, 298, 310, 316, 318-9, 324,
 328-34 *passim*, 337, 340-61 *passim*.
 " fee farm lease, included in : 39, 47, 70, 72,
 73, 74, 296-325 *passim*.
 " Mindle : 73, 318.
 " Nebb : 316.
 " obligation to grind corn at lord's : 2, 16, 38.
 " profits : 21, 39, 40, 44, 297, 298, 299, 300,
 310.
 " Townsend : 73.
 " Wavertree (see under *Wavertree*).
 " repair : 303, 304, 307, 308, 310, 319, 325,
 326, 334, 337-8, 347, 348, 350-1, 352, 356,
 358, 360, 361-2.
- Ministers' Accounts : 277-8, 296, 309-10, 312,
 314-8, 321, 322-3, 327, 336.
- Moss land, grant of : 42, 44, 46.
 Moss reeves : 25.
- Officers, Borough (see also under special heads) : 17-18,
 22-5, 36.
 " election (see also under *Assemblies and Por-*
moor) : 105, 113, 213, 219-20 ; 226, 230.
 " royal power to remove : 108, 206, 219, 230.
- Parish : 122, 147-8.
 " creation : 115, 147.
 Parliamentary elections (see under *M.P.s*).
 Passage, Court of : 26, 92, 143, 144.
 Paveage grant : 46.
 Peat (see also *Turbary*) : 47.
 " cutting : 25, 42.
 Petition to Parliament (1414) : 57, 399-400.
 Police : 145-6.
 Port : 11, 134, 167, 181, 192, 199, 207, 223.
 Portmoot : 26-31, 33-4, 38, 41, 50, 80-1, 92, 143.
 " election of officers at : 29, 81, 83.
 " fines : 30-1.
 " jurati : 28-9, 50, 80.
 " powers : 30-1, 39, 81.
 " relation to Assemblies (see under *Assemblies*).
 Prisaige of wines (see *Wines*).
 Prysors : 25, 81.
 Puritanism : 96, 101.

- Quarterage : 121.
 Quo Warranto Writ : (1292) : 10, 17, 23, 41, 397-9.
 " " (1498) : 67, 401-2.
 " " (1733) : 127.
- Recorder : 83, 107, 141-2, 210, 225, 238, 248.
 " deputy : 273.
 " duties : 83, 288-9.
 " election : 83, 111, 220, 230, 245, 253.
 " J.P., as : 213-15, 226-8, 241, 242, 250, 251.
 " nomination : 211, 226, 238, 249.
 " oath : 218-9, 230, 241, 250.
- Reeve : 3, 4, 7, 16, 18.
 Reform Act (1832) : 133.
 Revenues (see also under *Fee Farm Leases*) : 87, 97,
 118, 139-40, 297-9, 309, 310, 316-7.
 " accounts : 40, 44, 46-7, 56 n. 4.
 " expenditure : 140-1, 298.
- Sac and Soc : 30, 155, 156, 300, 397, 398, 399, 400,
 401, 408.
 Schools, Corporation : 140.
 Seal, Cockett : 406, 407.
 " common : 127, 169-70, 183, 210, 225.
 " for recognizances of debts : 175, 186.
- Seneschals of Gild Court : 32.
 Serfs : 5, 14, 18, 29.
 Serjeant-at-Law : 68, 142, 204, 401, 402.
 Sessions : House : 145.
 " Quarter : 143, 144, 287-9.
- Sewerage : 145.
 Shambles, butchers' (see *Butchers*).
 Sheriff : 4.
 " county : 1, 3, 18.
 " turns : 4, 7.
- Shipping : 87.
 Shire, Courts : partial freedom from : 21, 155, 156,
 303, 304, 307, 308, 398, 401, 408.
 Spanish Trading Co. : 68.
 Stalls (see also *Butchers' Shambles*).
 " dues on : 14, 16, 17, 74, 75, 155, 156, 296,
 301, 302.
 " farm : 316, 317.
- Statute of Acton Burnel : 175, 186.
 " " Merchants : 56, 175, 186, 309.
 " Court erected under : 92-3, 174-7, 186-7.
- Streets : Castle : 141.
 " Dale : 63.
 " increase : 97.
 " Lord : 5, 11, 99, 141.
 " regulation : 145.
 " Tithebarn : 69 n. 4.
- Supremacy and Allegiance, Oaths : 108, 205, 217-8,
 229.
 Swineherd : 25.
 Sword, grant : 220, 231, 245-6, 253.
- Tallages : 16.
 Thol and theam : 30, 155, 156, 300, 397, 398, 399,
 400, 401.
 Toll Corn : 413.
 Tolls : (see also under *Markets and Foreigners*), 75-6,
 383.
 " burgesses' : 14-15, 75-6, 79, 89.
 " Commission *re* (1533) : 68, 76-7, 402.
 " fee farm leases, included in : 47, 72, 74, 296-
 364 *passim*, 375, 388, 392, 405, 407.
 " freedom from : 14-15, 16, 17, 21, 41, 75,
 136, 155, 156, 300, 397-8, 401.
 " lords : 5, 14-15, 16, 21, 38, 71-2, 75.
 " quarrels *re* 71-2, 75-7, 122-4, 405-13.
 " royal : 1, 21, 37, 68.
- Tonnage and poundage : 75.
 Tories, struggles with Whigs : 101-15, 265-8.
 Town Clerk : 83, 88, 135, 141-2, 210, 219, 225, 230,
 238, 248.
 " election : 83, 92, 213, 226.
 " nomination : 212-3, 226, 240, 250.
 " oath : 219, 230, 241, 250.
 " powers : 92, 142, 144, 175-7, 186-7.
- Township : 1, 4-5, 154.
 Trade (see also *Tolls and Gild Merchant*) : 33.
 " beginnings : 5, 15-19, 20.
 " extension : 45, 87, 97, 118, 133, 259-60.
 " protection for traders : 155, 156.
- Treasurer of Council : 126, 130, 131, 142, 175, 176.
 Turbary : 298, 301, 302, 313, 314, 315.
- Vestry : 115, 122, 147-8.
- Waifs and strays : 301, 302, 303, 304, 307, 401.
 Waits : 82.
 Wapentake (see *Hundred*).
 Waste : 3.
 " allotments : 42-3.
 " fee farm leases, included in : 48, 74, 306,
 307, 394.
 " ownership : 43, 63-6, 68, 76, 89, 91, 99-100,
 394.
- Water supply : 145.
 Whigs, struggles with Tories : 101-15, 265-8.
 Wines, priage : 313, 314, 315.
 Wreckage : 21, 48, 301, 302, 303, 307.
 Wrecks, Inquiry *re* : 403.

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